



**COUNTY OF SAN LUIS OBISPO  
DEPARTMENT OF PLANNING AND BUILDING  
STAFF REPORT**

**PLANNING COMMISSION**

*Promoting the wise use of land  
Helping build great communities*

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MEETING DATE September 8, 2005	CONTACT/PHONE Brian Pedrotti 788-2788	APPLICANT Ed Shapiro	FILE NO. TRACT 2611 SUB2004-00169
<b>SUBJECT</b> Hearing to consider a request by Ed Shapiro for a Vesting Tentative Tract Map (Tract 2611) / Conditional Use Permit to allow a mixed-use planned development consisting of 1) subdivision of an existing 5.2 acre parcel into 9 parcels ranging in size from 8,307 square feet to 1.32 acres each for the purpose of development, 2) development of approximately 12,000 square feet of office space, approximately 44,000 square feet of retail space, 4,500 square feet of restaurant space, and 51 multi-family residential units. The project will result in the disturbance of approximately 4+ acres of a 5.2 acre parcel. The proposed project is within the Commercial Retail land use category and is located 170 South Frontage Road at the southwest corner of Hill Street and South Frontage Road in the community of Nipomo. The site is in the South County (Inland) planning area.			
<b>RECOMMENDED ACTION</b> 1. Adopt the Negative Declaration in accordance with the applicable provisions of the California Environmental Quality Act, Public Resources Code Section 21000 et seq. 2. Approve Vesting Tentative Tract 2611 and Conditional Use Permit based on the findings listed in Exhibits A and C and the conditions listed in Exhibit B and D			
<b>ENVIRONMENTAL DETERMINATION</b> The Environmental Coordinator, after completion of the initial study, finds that there is no substantial evidence that the project may have a significant effect on the environment, and the preparation of an Environmental Impact Report is not necessary. Therefore, a Negative Declaration (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq.) has been issued on July 29, 2005 for this project. Mitigation measures are proposed to address air quality, cultural resources, noise, public services/utilities, recreation, transportation/circulation, wastewater, and water, and are included as conditions of approval.			
LAND USE CATEGORY Commercial Retail	COMBINING DESIGNATION None	ASSESSOR PARCEL NUMBER 092-130-023	SUPERVISOR DISTRICT(S) 4
<b>PLANNING AREA STANDARDS:</b> Sec. 22.112.020 – South County Areawide Standards. Circulation, transit-oriented development. Sec. 22.112.080 – Nipomo Urban Area Standards, communitywide. Connection to sewer. Sec. 22.112.080.C.1 – Commercial Retail, Central Business District. Does the project conform to the Planning Area Standards – Yes, see discussion			
<b>LAND USE ORDINANCE STANDARDS:</b> Ch. 22.10 – Development Standards (Lighting, fencing, screening, density, setbacks) Ch. 22.16 – Landscaping Ch. 22.18 – Parking Sec. 22.22.060 – Commercial Retail Subdivision Design			
<b>EXISTING USES:</b> Gymnasium, parking lot, play area			
<b>SURROUNDING LAND USE CATEGORIES AND USES:</b> North: Commercial Retail / commercial South: Commercial Retail / vacant East: Commercial Retail / Highway 101 West: Commercial Retail / residential			
ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING & BUILDING AT: COUNTY GOVERNMENT CENTER ♦ SAN LUIS OBISPO ♦ CALIFORNIA 93408 ♦ (805) 781-5600 ♦ FAX: (805) 781-1242			

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OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: The project was referred to: Nipomo Community Advisory Group, Public Works, Environmental Health, County Parks, CDF, Nipomo Community Services District, APCD, Cal Trans,	
TOPOGRAPHY: Nearly level to gently rolling	VEGETATION: Grasses, oaks
PROPOSED SERVICES: Water supply: Community system Sewage Disposal: Community sewage disposal system Fire Protection: CDF	ACCEPTANCE DATE: April 20, 2005

#### ORDINANCE COMPLIANCE:

##### *Minimum Parcel Size and Development Standards*

22.22.090 of the Land Use Ordinance establishes standards for determining minimum parcel sizes in the Commercial and Office land use categories. The standards are based on the type of water supply and sewage disposal. Minimum parcel size is based on the largest parcel size as calculated by tests. The proposed parcels meet all requirements for 6,000 square-foot parcels. The density of residential units must be in compliance with Planning Area Standards and Section 22.10.130 for Residential Multi-Family projects. Article 3 of the Land Use Ordinance establishes Development Standards. The proposed Tentative Tract Map and Conditional Use Permit meet all requirements as follows:

<u>Standard</u>	<u>Allowed/Required</u>	<u>Proposed</u>
Density	5.0 acres @ 38 units/acre (190 units)	51 units
Maximum Floor Area	141,570 (65%)	121,670 square feet (56%)
Minimum Open Area	2.0 acres (40%)	2.70 acres (54%)
Setbacks Front Side Rear	May be set by map with minimum of 6 feet between all structures	Minimum of 6 feet between all structures; Front, Side, Rear - Variable, minimum 5 feet
Height	45 feet	Approx. 35 feet
Parking	Commercial - 207 spaces Residential 90 spaces Total (w/o reduction) 331 spaces Total (w/ reduction) 288 spaces	Total 288 spaces
Landscaping	Landscaping Plan required	Preliminary landscaping plan provided
Fencing/Screening	Fencing/Screening Plan required	Preliminary fencing/screening plan provided

##### *Quimby Fees*

Title 21, the Real Property Division Ordinance, establishes an in-lieu fee for all new land divisions for the purpose of developing new, or rehabilitating existing, park or recreational

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facilities to serve the land division. Payment of the parkland fee for all undeveloped parcels is required prior to map recordation.

*Affordable Housing Fees*

Sections 18.07 et. seq of Title 18 of the County Code establishes a fee of 3.5% of the public facility fee for all new land divisions. This allows recognized affordable housing projects to be exempted from public facility fees.

*Design Standards*

The proposed parcels are consistent with the design criteria set forth in Chapter 3 of the Title 21 of the Real Property Division Ordinance.

**PROJECT DESCRIPTION / SITE DESIGN:**

The proposed project is Vesting Tentative Tract Map 2611 to subdivide an existing 5 acre parcel into 9 parcels ranging in size from 8,307 square feet to 1.32 acres, approximately 12,000 square feet of office space, approximately 44,000 square feet of retail space, 4,500 square feet of restaurant space, and 51 multi-family residential units. Development is proposed primarily on the west side of the realigned South Frontage Road, with the bulk of retail space, office space, and residential condos. A restaurant is proposed as the only development on the east side of South Frontage Road. The project is designed to provide a street presence along South Frontage Road and Hill Street, while providing an interior "Main Street" feel within the interior. Access from a central drive will connect South Frontage to Hill Street diagonally through the property, with a central pedestrian plaza and connected park. The applicant has proposed to incorporate the existing gymnasium, and construct a new façade and office space along its south and east sides. The project includes a parking garage underneath the proposed retail and residential condominiums of Buildings 1 and 2.

The residential condominium portion of the project provides 51 multi-family residential units in Buildings 1, 2, and 3. Each 2-bedroom unit is approximately 1,200 square feet. The majority of the units will be above the parking garage, and will include a central courtyard area. Units will be within close proximity to the retail and office portions of the site, and pedestrian paths are included to link the different elements of the project.

The applicant is proposing to adjust the number of parking spaces required using the provisions of the Land Use Ordinance that allow multiple non-residential uses on a site to reduce parking spaces by 5 percent for each non-residential use up to a maximum of 20 percent. The applicant is proposing a 13 percent adjustment. The parking as proposed will be adequate for the proposed uses and staff supports the adjustment.

**PLANNING AREA STANDARDS:**

The project site is located within the Nipomo Urban Area. The applicant worked closely with staff to provide revisions to the original project to meet site planning and design objectives. The proposed development satisfies all applicable Planning Area Standards, density, intensity, and site planning criteria as outlined below. The project includes public right-of-way dedications and pedestrian pathways, and includes conditions addressing traffic noise. The project will also be connected to the NCSD sewer.

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<u>Planning Area Standard</u>	<u>Allowed/Required</u>	<u>Complies?</u>
Right-of-way dedication	For public streets, pathways, bicycles	Yes, dedications shown
Traffic noise mitigation	Mitigation based on location, layout, berms, structural measures	Yes, as conditioned
Sewer connection	Community sewer required	Yes, will connect to NCSD

#### OTHER ISSUES

##### West Tefft Corridor Design Plan

The West Tefft Corridor Design Plan has been drafted and is available for public review and comment. The plan is proposed to be a part of the County General Plan and Land Use Ordinance, and is intended to guide the design and development of projects within the planning area. The proposed project generally meets the principles and standards of the draft design plan. Mixed-use buildings are located along the street frontages, with parking to the rear and center of the site. The project is pedestrian-friendly, with walkway connections as envisioned in the draft design plan. Streetscape features of wide sidewalks, landscaping, gathering spaces, and public art have been incorporated in the project as amenities.

COMMUNITY ADVISORY GROUP COMMENTS: The Nipomo Community Advisory Council heard the item at their February 28, 2005 meeting and recommended to support the project with the following concerns:

- Three stories is too high for Nipomo
- Too many condominiums
- Not enough parking
- Traffic problems will be increased
- Project atmosphere is not rural
- Architecture needs to be consistent with the neighborhood

In response to the Council's concern over architectural style, the applicant revised the design of the buildings to provide a more Early California style with mission tile and stucco wall. The Council also expressed their positive support for several aspects of the project, including the following:

- Frontage Road realignment
- Neighborhood connectivity
- Bringing business to Nipomo
- Park and oak tree preservation
- Underground utilities
- Spirit of cooperation

#### AGENCY REVIEW:

Public Works - Recommend approval with conditions. Driveways on S. Frontage should be moved to align with those across the street. Two driveways into parking garage should be

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combined into one driveway fronting Hill St. Driveways should be shown for project across street.

Environmental Health - Applicant has provided preliminary evidence of water and sewer.

County Parks – Pay applicable Building Division fees for residential units.

CDF - See attached fire safety letter dated November 17, 2004.

Nipomo Community Services District – Issued an intent-to-serve letter for the project with conditions.

APCD - Proposed infill development is consistent with Clean Air Plan. Includes recommendations for dust control, developmental burning, mixed-use incompatibilities, and operational mitigation measures.

Cal Trans – Concerns with overall development along the W. Tefft Street corridor (see attached letter).

**LEGAL LOT STATUS:**

The existing lot was legally created by a recorded map at a time when that was a legal method of creating lots.

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**FINDINGS - EXHIBIT A**  
**Vesting Tentative Map**

*Environmental Determination*

- A. The Environmental Coordinator, after completion of the initial study, finds that there is no substantial evidence that the project may have a significant effect on the environment, and the preparation of an Environmental Impact Report is not necessary. Therefore, a Negative Declaration (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq.) has been issued on July 29, 2005 for this project. Mitigation measures are proposed to address air quality, cultural resources, noise, public services/utilities, recreation, transportation/circulation, wastewater, and water, and are included as conditions of approval.

*Tentative Map*

- B. The proposed map is consistent with applicable county general and specific plans because it complies with applicable area plan standards and is being subdivided in a consistent manner with the Commercial Retail land use category.
- C. The proposed map is consistent with the county zoning and subdivision ordinances because the parcels meet the minimum parcel size set by the Land Use Ordinance and the design standards of the Real Property Division Ordinance.
- D. The design and improvement of the proposed subdivision are consistent with the applicable county general and specific plans because the required improvements will be completed consistent with county ordinance and conditions of approval and the design of the parcels meets applicable policies of the general plan and ordinances
- E. The site is physically suitable for the type of development proposed because the proposed parcels contain adequate area for development of commercial, office, and multi-family residences.
- F. The site is physically suitable for the proposed density proposed because the site can adequately support commercial, office, and multi-family residential development.
- G. The design of the subdivision or the proposed improvements will not cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat because no rare, endangered or sensitive species are present; and mitigation measures for air quality, cultural resources, noise, public services/utilities, recreation, transportation/circulation, wastewater, and water are required.
- H. The design of the subdivision or the type of improvement will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision.
- I. The proposed map complies with Section 66474.6 of the State Subdivision Map Act, as to methods of handling and discharge of waste.

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**EXHIBIT B**

**CONDITIONS OF APPROVAL FOR TRACT 2611**

**Approved Project**

1. A Vesting Tentative Tract Map (Tract 2611) to allow a subdivision of an existing 5.2 acre parcel into 9 parcels ranging in size from 8,307 square feet to 1.32 acres each for the purpose of mixed use development. The project includes a 1.01 acre common lot that is to be owned by a Home Owners Association or be held in common as undivided interest.

**Access and Improvements**

2. Roads and/or streets to be constructed to the following standards:
  - a. South Frontage Road constructed to an A-2 (d) section within a minimum 60 foot dedicated right-of-way.
  - b. Hill Street widened to complete an A-2 (d) section fronting the property.
3. The applicant offer for dedication to the public by certificate on the map or by separate document:
  - a. For road widening purposes 15 feet along Hill Street, to be described as 37 feet from the recorded centerline.
  - b. A minimum 20 foot radius property line return at the intersection of Hill Street and South Frontage Road.

**Improvement Plans**

4. Improvement plans shall be prepared in accordance with San Luis Obispo County Improvement Standards and Specifications by a Registered Civil Engineer and submitted to the Department of Public Works and the county Health Department for approval. The plan is to include:
  - a. Street plan and profile.
  - b. Drainage ditches, culverts, and other structures (if drainage calculations require).
  - c. Water plan (NCSD).
  - d. Sewer plan (NCSD).
  - e. Grading and erosion control plan for subdivision related improvement locations.
  - f. Public utility plan, showing all existing utilities and installation of all utilities to serve every lot.
5. The applicant shall enter into an agreement with the county for the cost of checking the map, the improvement plans if any, and the cost of inspection of any such improvements by the county or its designated representative. The applicant shall also provide the county with an Engineer of Work Agreement retaining a Registered Civil Engineer to

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furnish construction phase services, Record Drawings and to certify the final product to the Department of Public Works.

6. The Registered Civil Engineer, upon completion of the improvements, must certify to the Department of Public Works that the improvements are made in accordance with all conditions of approval, including any related land use permit conditions and the approved improvement plans. All public improvements shall be completed prior to occupancy of any new structure.

#### **Drainage**

7. Submit complete drainage calculations to the Department of Public Works for review and approval.
8. If calculations so indicate, drainage must be retained in a drainage basin on the property. The design of the basin to be approved by the Department of Public Works, in accordance with county standards.
9. If a drainage basin is required, the drainage basin along with rights of ingress and egress be:
  - a. offered for dedication to the public by certificate on the map with an additional easement reserved in favor of the owners and assigns.
10. The project shall comply with the requirements of the National Pollutant Discharge Elimination System Phase I and/or Phase II storm water program. **Prior to issuance of grading permits for tract improvements**, the applicant shall submit a copy of the approved Stormwater Pollution Prevention Plan (SWPPP).

#### **Utilities**

11. Electric and telephone lines shall be installed underground.
12. Cable T.V. conduits shall be installed in the street.
13. Gas lines shall be installed.

#### **Fire Protection**

14. The applicant shall obtain a fire safety clearance letter from the California Department of Forestry (CDF)/County Fire Department establishing fire safety requirements prior to filing the final parcel or tract map.

#### **Parks and Recreation (Quimby) Fees**

15. Unless exempted by Chapter 21.09 of the county Real Property Division Ordinance or California Government Code section 66477, prior to filing of the final parcel or tract map, the applicant shall pay the in-lieu" fee that will be used for community park and recreational purposes as required by Chapter 21.09. The fee shall be based on the total number of dwelling units proposed in the case of a condominium, stock cooperative, or community apartment project.



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**Affordable Housing Fee**

16. Prior to filing the final parcel or tract map, the applicant shall pay an affordable housing fee of 3.5 percent of the adopted public facility fee effective at the time of recording for each residential lot. This fee shall not be applicable to any official recognized affordable housing included within the residential project.

**Easements**

17. An open space easement shall be recorded for the open space parcel(s). It is to be held in common by the Homeowner's Association. The open space parcel is to be maintained as such in perpetuity.

**Other**

18. **Prior to recordation of final map**, the applicant shall pay all applicable Quimby and Building Division Fees.
19. **Prior to recordation of the final map**, the applicant shall submit a final "will-serve" letter from the Nipomo Community Services District to the Department of Environmental Health.
20. **Prior to recordation of the final map**, the applicant shall submit a final "will-serve" letter from the Nipomo Community Services District to the Environmental Health Division.

**Additional Map Sheet**

21. The applicant shall prepare an additional map sheet to be approved by the county Department of Planning and Building and the Department of Public Works. The additional map sheet shall be recorded with the final parcel or tract map. The additional map sheet shall include the following:
  - a. If improvements are bonded for, all public improvements (roads, drainage, and utilities) shall be completed prior to occupancy of any new structure.
  - b. **Prior to construction permit issuance**, a geologic investigation will be prepared and then submitted to the county to determine the presence of naturally-occurring asbestos. If naturally occurring asbestos is found at the site, the applicant must comply with all requirements outlined in the Asbestos ATCM before grading begins. These requirements may include, but are not limited to, 1) preparation of an "Asbestos Dust Mitigation Plan", which must be approved by APCD before grading begins; 2) an "Asbestos Health and Safety Program", as determined necessary by APCD.
  - c. **Prior to issuance of construction permits**, the following measures shall be incorporated into the construction phase of the project and shown on all applicable plans:
    - i. Reduce the amount of the disturbed area where possible;

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- ii. Use of water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency would be required whenever wind speeds exceed 15 mph. Reclaimed (nonpotable) water should be used whenever possible;
  - iii. All dirt stock-pile areas should be sprayed daily as needed;
  - iv. Permanent dust control measures identified in the approved project revegetation and landscape plans should be implemented as soon as possible following completion of any soil disturbing activities;
  - v. Exposed ground areas that are planned to be reworked at dates greater than one month after initial grading should be sown with a fast-germinating native grass seed and watered until vegetation is established;
  - vi. All disturbed soil areas not subject to revegetation should be stabilized using approved chemical soil binders, jute netting, or other methods approved in advance by the APCD;
  - vii. All roadways, driveways, sidewalks, etc. to be paved should be completed as soon as possible. In addition, building pads should be laid as soon as possible after grading unless seeding or soil binders are used;
  - viii. Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site;
  - viii. All trucks hauling dirt, sand, soil, or other loose materials are to be covered or should maintain at least two feet of freeboard (minimum vertical distance between top of load and top of trailer) in accordance with CVC Section 23114.
  - ix. Install wheel washers where vehicles enter and exit unpaved roads onto streets, or wash off trucks and equipment leaving the site; and
  - x. Sweep streets at the end of each day if visible soil material is carried onto adjacent paved roads. Water sweepers with reclaimed water should be used where feasible.
  - xi. All construction equipment be properly maintained and tuned according to manufacturer's specifications.
  - xii. All off-road and portable diesel powered equipment, including but not limited to bulldozers, graders, cranes, loaders, scrapers, backhoes, generator sets, compressors, auxiliary power units, shall be fueled exclusively with ARB motor vehicle diesel fuel; and
  - xiii. Maximize to the extent feasible, the use of diesel construction equipment meeting the ARB's 1996 or newer certification standard for off-road heavy-duty diesel engines;
- d. To avoid incompatibilities with residential uses (complaints from odors and/or dust), no nail salons, dry-cleaners, coffee roasters, furniture refurbishing/refinishing or similar uses may occur in buildings with residential units.
- e. **Prior to issuance of building permits, in the instance wood burning stoves are proposed**, the applicant shall submit building plans showing the use of APCD-approved wood burning devices limited to the following:
- i. All EPA-Certified Phase II wood burning devices;
  - ii. Catalytic wood burning devices that emit less than or equal to 4.1 grams per hour of particulate matter that are not EPA-Certified but have been verified by a nationally-recognized testing lab;
  - iii. Non-catalytic wood burning devices that limit less than or equal to 7.5 grams per hour of particulate matter that are not EPA-Certified but have been verified by a

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- ationally-recognized testing lab;
  - iv. Pellet-fueled woodheaters, and;
  - v. Dedicated gas-fired fireplaces.
- f. **Prior to issuance of construction permit**, the following measures shall be incorporated into the residential component of the project:
- i. Provide continuous sidewalks separated from the roadway by landscaping and on-street parking. Adequate lighting for sidewalks must be provided, along with crosswalks at intersections.
  - ii. Increase the building energy efficiency rating by 10% above what is required by Title 24 requirements (this can be accomplished in a number of ways (increasing attic, wall or floor insulation, etc.).
  - iii. If the project is located on an established transit route, improve public transit accessibility by providing a transit turnout with direct pedestrian access to project (shall not conflict with route guidelines established by local transit authority);
  - iv. Increase street tree planting above required minimum;
  - v. Install outdoor electrical outlets near all exterior doors and at 50 ft. (or closer) intervals to encourage the use of electric appliances and tools;
  - vi. Provide secure on-site bicycle parking for multi-family residential developments;
  - vii. Increase number of bicycle routes/lanes;
  - viii. Build new homes with internal wiring/cabling that allows telecommuting, teleconferencing, and telelearning to occur simultaneously in at least three locations in each home;
  - ix. Provide pedestrian signalization and signage to improve pedestrian safety;
  - x. Install shade trees planted closely along southern exposures of buildings to reduce summer cooling needs;
  - xi. Use roof material with a solar reflectance value meeting the EPA/DOE Energy Star® rating to reduce summer cooling needs;
  - xii. Use high efficiency, gas or solar water heaters;
  - xiii. Use built-in energy efficient appliances;
  - xiv. Use double-paned windows;
  - xv. Use low energy street lights (i.e. sodium);
  - xvi. Use energy efficient interior lighting in all feasible locations;
  - xvii. Use low energy traffic signals (i.e. light emitting diode);
  - xviii. Install door sweeps and weather stripping if more efficient doors and windows are not available;
  - xix. Install high efficiency or gas space heating.
- g. **Prior to issuance of construction permit**, the following measures shall be incorporated into the commercial/office component of the project:
- i. Provide on-site bicycle parking (one bicycle parking space for every ten car parking spaces); for the approximate 282 spaces proposed, at least 28 bicycle spaces shall be installed.
  - ii. Provide on-site eating, refrigeration and food vending facilities to reduce lunchtime trips;
  - iii. Provide preferential carpool and vanpool parking;
  - iv. Provide shower and locker facilities to encourage employees to bike and/or walk to work (one shower and three lockers for every 25 employees);
  - v. Increase building energy efficiency rating by 10% above what is required by Title 24 requirements (this can be accomplished in a number of ways (increasing attic,

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- wall or floor insulation, etc.).
  - vi. Increase street tree planting above required minimum;
  - vii. Plant shade trees in parking lots to reduce evaporative emissions from parked vehicles;
  - viii. Install an electrical vehicle charging station with both conductive and inductive charging capabilities;
  - ix. If the project is located on an established transit route, improve public transit accessibility by providing transit turnouts with direct pedestrian access to project or improve transit stop amenities;
  - x. Implement on-site circulation design elements in parking lots to reduce vehicle queuing and emphasize the pedestrian environment;
  - xi. Provide pedestrian signalization and signage to improve pedestrian safety;
  - xii. Employ or appoint an Employee Transportation Coordinator
  - xiii. Implement a Transportation Choices Program. The applicant will work with the Transportation Choices Coalition partners on how to start and maintain a program (contact SLO Regional Rideshare at 805/541-2277);
  - xiv. Provide incentives to employees to carpool/vanpool, take public transportation, telecommute, walk, bike, etc.;
  - xv. Implement compressed work schedules;
  - xvi. Implement telecommuting program;
  - xvii. Implement a lunchtime shuttle to reduce single occupant vehicle trips;
  - xviii. Participate in an employee "flash-pass" program, which provides free travel on transit buses;
  - xix. Include teleconferencing capabilities, such as web cams or satellite linkage, which will allow employees to attend meetings remotely without requiring them to travel out of the area;
  - xx. If the development is a grocery store or large retail facility, provide home delivery service for customers;
  - xxi. Install shade trees planted closely along southern exposures of buildings to reduce summer cooling needs;
  - xxii. Use roof material with a solar reflectance value meeting the EPA/DOE Energy Star® rating to reduce summer cooling needs;
  - xxiii. Use built-in energy efficient appliances, where applicable;
  - xxiv. Use double-paned windows;
  - xxv. Use low energy parking lot and street lights (i.e. sodium);
  - xxvi. Use energy efficient interior lighting;
  - xxvii. Use low energy traffic signals (i.e. light emitting diode);
  - xxviii. Install door sweeps and weather stripping if more efficient doors and windows are not available;
  - xxix. Install high efficiency or gas space heating;
- h. **Prior to issuance of construction permit**, at least three additional APCD mitigation recommendations shall be incorporated into the project. Potential mitigation addressing Site Design, Transportation Demand, and Energy Efficiency are listed in the attached letter (Jan Downs Vidalin, APCD; October 27, 2004).
- i. **Prior to approval of specific business licenses**, the applicant shall obtain APCD permits if required. Potential uses subject to APCD permit approval include, but are not limited to: electrical generation plants or the use of standby generator, food and

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beverage preparation (primarily coffee roasters), furniture and fixture products, small scale manufacturing, and dry cleaning.

- j. **Prior to issuance of grading and construction permits**, the applicant shall install temporary construction fencing along the perimeter of the project site.. The fencing shall also be noted on applicable grading and construction plans. No equipment or storage of materials associated with the proposed project shall be permitted outside of established project limits.
- k. **Prior to issuance of construction permits**, the applicant shall submit plans showing that the following noise mitigation features are included on all proposed buildings:
  - i. Air conditioning or a mechanical ventilation system is installed so that windows and doors may remain closed.
  - ii. Windows and sliding glass doors are mounted in low air infiltration rate frames (0.5 cfm or less, per ANSI specifications).
  - iii. Exterior doors are solid core with perimeter weather stripping and threshold seals.
  - iv. Exterior walls consist of stucco or brick veneer.
  - v. Glass in both windows and doors shall not exceed 20 percent of the floor area in a room facing Highway 101.
  - vi. Roof or attic vents facing the noise source shall be baffled.
  - vii. The interior sheetrock of exterior wall assemblies shall be attached to studs by resilient channels. Staggered studs or double walls are acceptable alternatives.
  - viii. Window assemblies shall have a laboratory-tested STC rating of 30 or greater.
- l. **Prior to issuance of building permits**, construction plans must include indoor water conservation measures including: low water-use toilets, showerheads, and faucets; automatic shut-off devices for bathroom and kitchen faucets; and point-of-use supplemental water heater systems or circulating hot water systems in bathrooms and kitchen. Landscape plans for the proposed parcels must include outdoor conservation measures including: limited landscape area, low water-use plant materials, limited turf area, soil moisture sensors, and drip irrigation systems.
- m. **Prior to final inspection**, for structures where the pipe from the hot water heater to any faucet is greater than 20 feet in length, apply one or more of the following: 1) install a hot water pipe circulating system for entire structure; 2) install "point-of-use" water heater "boosters" near all hot water faucets (that are greater than 20 linear pipe feet from water heater), or 3) use the narrowest pipe possible (e.g., from 1" to ½" diameter). **Prior to permit issuance**, the measure(s) to be used shall be shown on all applicable plumbing plans.

#### **Covenants, Conditions and Restrictions**

- 22. The developer shall submit proposed covenants, conditions, and restrictions for the subdivision to the county Department of Planning and Building for review and approval. The CC&R's shall provide at a minimum the following provisions:

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- a. Maintenance of drainage basin landscaping.
- b. Maintenance of common areas.
- c. Maintenance of all local streets within the project.

**Miscellaneous**

- 23. This subdivision is also subject to the standard conditions of approval for all subdivisions using community water and sewer, a copy of which is attached hereto and incorporated by reference herein as though set forth in full.
- 24. A stormwater pollution plan may be necessary from the Regional Water Quality Control Board. Provide evidence that it has been obtained or is unnecessary prior to filing the map.
- 25. All timeframes on approved tentative maps for filing of final parcel or tract maps are measured from the date the Review Authority approves the tentative map, not from any date of possible reconsideration action.
- 26. Prior to recordation of final map, work with the Regional Transit Authority (RTA) to provide a bus stop or in-lieu fee as determined by the RTA and the Director of Planning and Building.

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**FINDINGS - EXHIBIT C**

**Environmental Determination**

- A. The Environmental Coordinator, after completion of the initial study, finds that there is no substantial evidence that the project may have a significant effect on the environment, and the preparation of an Environmental Impact Report is not necessary. Therefore, a Negative Declaration (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq.) has been issued on July 29, 2005 for this project. Mitigation measures are proposed to address air quality, cultural resources, noise, public services/utilities, recreation, transportation/circulation, wastewater, and water, and are included as conditions of approval.

**Conditional Use Permit**

- B. The proposed project or use is consistent with the San Luis Obispo County General Plan because commercial, office and residential uses are allowed uses and as conditioned is consistent with all of the General Plan policies.
- C. As conditioned, the proposed project or use satisfies all applicable provisions of Title 22 of the County Code.
- D. The establishment and subsequent operation or conduct of the use will not, because of the circumstances and conditions applied in the particular case, be detrimental to the health, safety or welfare of the general public or persons residing or working in the neighborhood of the use, or be detrimental or injurious to property or improvements in the vicinity of the use because the project does not generate activity that presents a potential threat to the surrounding property and buildings. This project is subject to Ordinance and Building Code requirements designed to address health, safety and welfare concerns.
- E. The proposed project or use will not be inconsistent with the character of the immediate neighborhood or contrary to its orderly development because the project is similar to, and will not conflict with, the surrounding lands and uses.
- F. The proposed project or use will not generate a volume of traffic beyond the safe capacity of all roads providing access to the project, either existing or to be improved with the project because the project is located on South Frontage Road and Hill Street, collector roads that will be improved to a level able to handle any additional traffic associated with the project

**Residential in Commercial Retail or Office and Professional land use categories**

- G. The proposed use will not significantly reduce the community inventory of office / commercial property available to satisfy the commercial needs of the population envisioned by the Land Use Element of the General Plan, because there is adequate remaining commercial land available for commercial development and the proposed residential development is subordinate to the primary commercial and office uses.
- H. The proposed use will not impede the continuing orderly development of community shopping areas with commercial and office uses, because the proposed mixed use project will contribute to and enhance the community shopping and office opportunities of the community.

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**EXHIBIT D - CONDITIONS OF APPROVAL**

**Conditional Use Permit**

***Approved Development***

1. This approval authorizes
  - a. Vesting Tentative Tract Map (Tract 2611) / Conditional Use Permit to allow a mixed-use planned development consisting of 1) subdivision of an existing 5.2 acre parcel into 9 parcels ranging in size from 8,307 square feet to 1.32 acres each for the purpose of development, 2) development of approximately 12,000 square feet of office space, approximately 44,000 square feet of retail space, 4,500 square feet of restaurant space, and 51 multi-family residential units. The project includes a 1.01 acre common lot that is to be owned by a Home Owners Association or be held in common as undivided interest.
  - b. maximum height is 45 from average natural grade.
2. Proposed specific uses of the structures shall be subject to review and approval of the change in building occupancy by the Building Division of the Department of Planning and Building prior to issuance of a business license. Proposed uses shall also be subject to the review and approval of the Department of Planning and Building to determine conformity with applicable planning area standard, Land Use Ordinance requirements, and conditions of this approval.

***Site Development***

2. **At the time of application for construction permits** plans submitted shall show all development consistent with the approved site plan, floor plan, architectural elevations and landscape plan.
3. **At the time of application for construction permits**, the applicant shall provide details on any proposed exterior lighting, if applicable. The details shall include the height, location, and intensity of all exterior lighting. All lighting fixtures shall be shielded so that neither the lamp or the related reflector interior surface is visible from adjacent properties. Light hoods shall be dark colored.
4. **At the time of application for construction permits** a determination of method of pick-up shall be specified by the waste handler and if centralized facilities for the pick-up are required, provisions shall be made within the project for central facilities that meet Land Use Ordinance requirements for trash enclosures. If centralized facilities are established, this shall include provisions for recycling if service is available or subsequent installation of such facilities if recycling service becomes available in the future.



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***Fire Safety***

5. **At the time of application for construction permits**, all plans submitted to the Department of Planning and Building shall meet the fire and life safety requirements of the California Fire Code. Requirements shall include, but not be limited to those outlined in the Fire Safety Plan, prepared by the CDF/County Fire Department for this proposed project and dated November 17, 2004.

***Services***

6. **At the time of application for construction permits**, the applicant shall provide a letter from Nipomo Community Services District stating they are willing and able to service the property.

***Grading, Drainage, Sedimentation and Erosion Control***

7. **At the time of application for construction permits**, the applicant shall submit a drainage plan for review and approval by the County Public Works Department. The plan shall contain, at a minimum:
  - a. Complete drainage calculations for county Public Works review and approval.
  - b. Retention of drainage in an on-site basin designed in accordance with county standards and approved by the county Public Works.
  - c. All runoff from impervious surfaces such as roofs, driveways, walks, patios, decks, shall be collected and detained on-site, or passed on through an effective erosion control device or drainage system approved by the County Engineer.
  - d. Permanent erosion control devices shall be installed prior to or concurrently with on-site grading activities.
  - e. Grading, filling or site disturbance of existing soil and vegetation shall be limited to the minimum areas necessary.
  - f. Stockpiles and other disturbed soils shall be protected from rain and erosion by plastic sheets or other covering.

**Conditions to be completed prior to issuance of a construction permit**

***Fees***

8. **Prior to issuance of a construction permit**, the applicant shall pay all applicable school and public facilities fees.

***Grading, Drainage, Sedimentation and Erosion Control***

9. **Prior to issuance of construction permits**, if grading is to occur between October 15 to April 15, a sedimentation and erosion control plan shall be submitted pursuant to Coastal Zone Land Use Ordinance Section 23.05.036.

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10. **Prior to construction permit issuance**, a geologic investigation will be prepared and then submitted to the county to determine the presence of naturally-occurring asbestos. If naturally occurring asbestos is found at the site, the applicant must comply with all requirements outlined in the Asbestos ATCM before grading begins. These requirements may include, but are not limited to, 1) preparation of an "Asbestos Dust Mitigation Plan", which must be approved by APCD before grading begins; 2) an "Asbestos Health and Safety Program", as determined necessary by APCD.
11. **Prior to issuance of construction permits**, the following measures shall be incorporated into the construction phase of the project and shown on all applicable plans:
  - a. Reduce the amount of the disturbed area where possible;
  - b. Use of water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency would be required whenever wind speeds exceed 15 mph. Reclaimed (nonpotable) water should be used whenever possible;
  - c. All dirt stock-pile areas should be sprayed daily as needed;
  - d. Permanent dust control measures identified in the approved project revegetation and landscape plans should be implemented as soon as possible following completion of any soil disturbing activities;
  - e. Exposed ground areas that are planned to be reworked at dates greater than one month after initial grading should be sown with a fast-germinating native grass seed and watered until vegetation is established;
  - f. All disturbed soil areas not subject to revegetation should be stabilized using approved chemical soil binders, jute netting, or other methods approved in advance by the APCD;
  - g. All roadways, driveways, sidewalks, etc. to be paved should be completed as soon as possible. In addition, building pads should be laid as soon as possible after grading unless seeding or soil binders are used;
  - h. Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site;
  - i. All trucks hauling dirt, sand, soil, or other loose materials are to be covered or should maintain at least two feet of freeboard (minimum vertical distance between top of load and top of trailer) in accordance with CVC Section 23114.
  - j. Install wheel washers where vehicles enter and exit unpaved roads onto streets, or wash off trucks and equipment leaving the site; and
  - k. Sweep streets at the end of each day if visible soil material is carried onto adjacent paved roads. Water sweepers with reclaimed water should be used where feasible.
  - l. All construction equipment be properly maintained and tuned according to manufacturer's specifications.
  - m. All off-road and portable diesel powered equipment, including but not limited to bulldozers, graders, cranes, loaders, scrapers, backhoes, generator sets, compressors, auxiliary power units, shall be fueled exclusively with ARB motor vehicle diesel fuel; and
  - n. Maximize to the extent feasible, the use of diesel construction equipment meeting the ARB's 1996 or newer certification standard for off-road heavy-duty diesel engines;

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12. To avoid incompatibilities with residential uses (complaints from odors and/or dust), no nail salons, dry-cleaners, coffee roasters, furniture refurbishing/refinishing or similar uses may occur in buildings with residential units.
13. **Prior to issuance of building permits, in the instance wood burning stoves are proposed,** the applicant shall submit building plans showing the use of APCD-approved wood burning devices limited to the following:
  - a. All EPA-Certified Phase II wood burning devices;
  - b. Catalytic wood burning devices that emit less than or equal to 4.1 grams per hour of particulate matter that are not EPA-Certified but have been verified by a nationally-recognized testing lab;
  - c. Non-catalytic wood burning devices that limit less than or equal to 7.5 grams per hour of particulate matter that are not EPA-Certified but have been verified by a nationally-recognized testing lab;
  - d. Pellet-fueled woodheaters, and;
  - e. Dedicated gas-fired fireplaces.
14. **Prior to issuance of construction permit,** the following measures shall be incorporated into the residential component of the project:
  - a. Provide continuous sidewalks separated from the roadway by landscaping and on-street parking. Adequate lighting for sidewalks must be provided, along with crosswalks at intersections.
  - b. Increase the building energy efficiency rating by 10% above what is required by Title 24 requirements (this can be accomplished in a number of ways (increasing attic, wall or floor insulation, etc.).
  - c. If the project is located on an established transit route, improve public transit accessibility by providing a transit turnout with direct pedestrian access to project (shall not conflict with route guidelines established by local transit authority);
  - d. Increase street tree planting above required minimum;
  - e. Install outdoor electrical outlets near all exterior doors and at 50 ft. (or closer) intervals to encourage the use of electric appliances and tools;
  - f. Provide secure on-site bicycle parking for multi-family residential developments;
  - g. Increase number of bicycle routes/lanes;
  - h. Build new homes with internal wiring/cabling that allows telecommuting, teleconferencing, and telelearning to occur simultaneously in at least three locations in each home;
  - i. Provide pedestrian signalization and signage to improve pedestrian safety;
  - j. Install shade trees planted closely along southern exposures of buildings to reduce summer cooling needs;
  - k. Use roof material with a solar reflectance value meeting the EPA/DOE Energy Star® rating to reduce summer cooling needs;
  - l. Use high efficiency, gas or solar water heaters;
  - m. Use built-in energy efficient appliances;
  - n. Use double-paned windows;
  - o. Use low energy street lights (i.e. sodium);
  - p. Use energy efficient interior lighting in all feasible locations;
  - q. Use low energy traffic signals (i.e. light emitting diode);
  - r. Install door sweeps and weather stripping if more efficient doors and windows are not available;

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- s. Install high efficiency or gas space heating.
15. **Prior to issuance of construction permit**, the following measures shall be incorporated into the commercial/office component of the project:
- a. Provide on-site bicycle parking (one bicycle parking space for every ten car parking spaces); for the approximate 282 spaces proposed, at least 28 bicycle spaces shall be installed.
  - b. Provide on-site eating, refrigeration and food vending facilities to reduce lunchtime trips;
  - c. Provide preferential carpool and vanpool parking;
  - d. Provide shower and locker facilities to encourage employees to bike and/or walk to work (one shower and three lockers for every 25 employees);
  - e. Increase building energy efficiency rating by 10% above what is required by Title 24 requirements (this can be accomplished in a number of ways (increasing attic, wall or floor insulation, etc.).
  - f. Increase street tree planting above required minimum;
  - g. Plant shade trees in parking lots to reduce evaporative emissions from parked vehicles;
  - h. Install an electrical vehicle charging station with both conductive and inductive charging capabilities;
  - i. If the project is located on an established transit route, improve public transit accessibility by providing transit turnouts with direct pedestrian access to project or improve transit stop amenities;
  - j. Implement on-site circulation design elements in parking lots to reduce vehicle queuing and emphasize the pedestrian environment;
  - k. Provide pedestrian signalization and signage to improve pedestrian safety;
  - l. Employ or appoint an Employee Transportation Coordinator
  - m. Implement a Transportation Choices Program. The applicant will work with the Transportation Choices Coalition partners on how to start and maintain a program (contact SLO Regional Rideshare at 805/541-2277);
  - n. Provide incentives to employees to carpool/vanpool, take public transportation, telecommute, walk, bike, etc.;
  - o. Implement compressed work schedules;
  - p. Implement telecommuting program;
  - q. Implement a lunchtime shuttle to reduce single occupant vehicle trips;
  - r. Participate in an employee "flash-pass" program, which provides free travel on transit buses;
  - s. Include teleconferencing capabilities, such as web cams or satellite linkage, which will allow employees to attend meetings remotely without requiring them to travel out of the area;
  - t. If the development is a grocery store or large retail facility, provide home delivery service for customers;
  - u. Install shade trees planted closely along southern exposures of buildings to reduce summer cooling needs;
  - v. Use roof material with a solar reflectance value meeting the EPA/DOE Energy Star® rating to reduce summer cooling needs;
  - w. Use built-in energy efficient appliances, where applicable;
  - x. Use double-paned windows;
  - y. Use low energy parking lot and street lights (i.e. sodium);
  - z. Use energy efficient interior lighting;

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- aa. Use low energy traffic signals (i.e. light emitting diode);
  - bb. Install door sweeps and weather stripping if more efficient doors and windows are not available;
  - cc. Install high efficiency or gas space heating;
16. **Prior to issuance of construction permit**, at least three additional APCD mitigation recommendations shall be incorporated into the project. Potential mitigation addressing Site Design, Transportation Demand, and Energy Efficiency are listed in the attached letter (Jan Downs Vidalin, APCD; October 27, 2004).
17. **Prior to issuance of grading and construction permits**, the applicant shall install temporary construction fencing along the perimeter of the project site.. The fencing shall also be noted on applicable grading and construction plans. No equipment or storage of materials associated with the proposed project shall be permitted outside of established project limits.
18. **Prior to issuance of construction permits**, the applicant shall submit plans showing that the following noise mitigation features are included on all proposed buildings:
- a. Air conditioning or a mechanical ventilation system is installed so that windows and doors may remain closed.
  - b. Windows and sliding glass doors are mounted in low air infiltration rate frames (0.5 cfm or less, per ANSI specifications).
  - c. Exterior doors are solid core with perimeter weather stripping and threshold seals.
  - d. Exterior walls consist of stucco or brick veneer.
  - e. Glass in both windows and doors shall not exceed 20 percent of the floor area in a room facing Highway 101.
  - f. Roof or attic vents facing the noise source shall be baffled.
  - g. The interior sheetrock of exterior wall assemblies shall be attached to studs by resilient channels. Staggered studs or double walls are acceptable alternatives.
  - h. Window assemblies shall have a laboratory-tested STC rating of 30 or greater.
19. **Prior to issuance of building permits**, construction plans must include indoor water conservation measures including: low water-use toilets, showerheads, and faucets; automatic shut-off devices for bathroom and kitchen faucets; and point-of-use supplemental water heater systems or circulating hot water systems in bathrooms and kitchen. Landscape plans for the proposed parcels must include outdoor conservation measures including: limited landscape area, low water-use plant materials, limited turf area, soil moisture sensors, and drip irrigation systems.

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**Conditions to be completed prior to occupancy or final building inspection / establishment of the use**

20. **Prior to approval of specific business licenses**, the applicant shall obtain APCD permits if required. Potential uses subject to APCD permit approval include, but are not limited to: electrical generation plants or the use of standby generator, food and beverage preparation (primarily coffee roasters), furniture and fixture products, small scale manufacturing, and dry cleaning
21. Landscaping in accordance with the approved landscaping plan shall be installed or bonded for before final building inspection. If bonded for, landscaping shall be installed within 60 days after final building inspection. All landscaping shall be maintained in a viable condition in perpetuity.
22. **Prior to occupancy or final inspection**, which ever occurs first, the applicant shall obtain final inspection and approval from CDF of all required fire/life safety measures.
23. **Prior to occupancy of any structure associated with this approval**, the applicant shall contact the Department of Planning and Building to have the site inspected for compliance with the conditions of this approval.

***Grading, Drainage, Sedimentation and Erosion Control***

24. All areas disturbed by grading activities shall be revegetated with temporary or permanent erosion control devices.

***Fencing***

25. **Prior to occupancy or final inspection**, provide a final fencing plan for the site.
26. **Prior to final inspection**, for structures where the pipe from the hot water heater to any faucet is greater than 20 feet in length, apply one or more of the following: 1) install a hot water pipe circulating system for entire structure; 2) install "point-of-use" water heater "boosters" near all hot water faucets (that are greater than 20 linear pipe feet from water heater), or 3) use the narrowest pipe possible (e.g., from 1" to ½" diameter). **Prior to permit issuance**, the measure(s) to be used shall be shown on all applicable plumbing plans.

**On-going conditions of approval (valid for the life of the project)**

27. All conditions of this approval shall be strictly adhered to, within the time frames specified, and in an on-going manner for the life of the project. Failure to comply with these conditions of approval may result in an immediate enforcement action by the Department of Planning and Building. If it is determined that violation(s) of these conditions of approval have occurred, or are occurring, this approval may be revoked pursuant to Section 22.74.160 of the Land Use Ordinance.

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STANDARD CONDITIONS OF APPROVAL FOR  
SUBDIVISIONS USING COMMUNITY WATER AND SEWER

1. Community water and fire protection shall be obtained from the community water system.
2. Operable water facilities from an approved community water source shall be assured prior to the filing of the final map. A "final will serve" letter shall be obtained and submitted to the county Health Department for review and approval stating there are operable water facilities immediately available for connection to the parcels created. Water main extensions, laterals to each parcel and related facilities (except well(s)) may be bonded for subject to the approval of county Public Works, the county Health Department and the public water utility.
3. No residential building permits are to be issued until the community (public) water system is operational with a domestic water supply permit issued by the county Health Officer.
4. In order to protect the public safety and prevent possible groundwater pollution, any abandoned wells on the property shall be destroyed in accordance with the San Luis Obispo County Well Ordinance Chapter 8.40, and county Health Department destruction standards. The applicant is required to obtain a permit from the county Health Department.
5. When a potentially operational or operational auxiliary water supply in the form of an existing well(s) is located on the parcels created and approved community water is proposed to serve the parcels, the community water supply shall be protected from real or potential cross-contamination by means of an approved cross-connection control device installed at the meter or property line service connection prior to occupancy. (Chapter 8.30, San Luis Obispo County Ordinance)
6. Sewer service shall be obtained from the community sewage disposal system.
7. Prior to the filing of the map a "final will serve" letter be obtained and submitted to the county Health for review and approval stating that community sewer system service is immediately available for connection to the parcels created. Sewer main extensions may be bonded for, subject to the approval of county Public Works and sewer district.
8. No residential building permits shall be issued until community sewers are operational and available for connection.
9. An encroachment permit shall be obtained from county Public Works for any work to be done within the county right-of-way.
10. An encroachment permit shall be obtained from the California Department of Transportation for any work to be done on the state highway.

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11. Any existing reservoir or drainage swale on the property shall be delineated on the map.
12. Prior to submission of the map "checkprints" to county Public Works, the project shall be reviewed by all applicable public utility companies and a letter be obtained indicating required easements.
13. Required public utility easements shall be shown on the map.
14. Approved street names shall be shown on the map.
15. The applicant shall comply with state, county and district laws/ordinances applicable to fire protection and consider increased fire risk to area by the subdivision of land proposed.
16. The developer shall submit a preliminary subdivision guarantee to county Public Works for review prior to the filing of the map.
17. Any private easements on the property shall be shown on the map with recording data.
18. All conditions of approval herein specified, unless otherwise noted, shall be complied with prior to the filing of the map.
19. After approval by the Review Authority, compliance with the preceding conditions will bring the proposed subdivision in conformance with the Subdivision Map Act and county ordinances.
20. A map shall be filed in accordance with Subdivision Map Act and county ordinance prior to sale, lease, or financing of the lots proposed by the subdivision.
21. A tentative map will expire 24 months from the effective date of the approval. Tentative maps may be extended. Written requests with appropriate fees must be submitted to the Planning Department prior to the expiration date. The expiration of tentative maps will terminate all proceedings on the matter.

Staff report prepared by Brian Pedrotti  
and reviewed by Kami Griffin



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**COUNTY OF SAN LUIS OBISPO  
INITIAL STUDY SUMMARY - ENVIRONMENTAL CHECKLIST**

**Project Title & No.** Shapiro Vesting Tentative Tract Map and Conditional Use Permit  
: SUB2004-00169 ED04-00084 TR 2611

**ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:** The proposed project could have a "Potentially Significant Impact" for at least one of the environmental factors checked below. Please refer to the attached pages for discussion on mitigation measures or project revisions to either reduce these impacts to less than significant levels or require further study.

- |  |   |  |
|--|---|--|
| <input type="checkbox"/> Aesthetics                    | <input type="checkbox"/> Geology and Soils                    | <input checked="" type="checkbox"/> Recreation                 |
| <input type="checkbox"/> Agricultural Resources        | <input type="checkbox"/> Hazards/Hazardous Materials          | <input checked="" type="checkbox"/> Transportation/Circulation |
| <input checked="" type="checkbox"/> Air Quality        | <input checked="" type="checkbox"/> Noise                     | <input checked="" type="checkbox"/> Wastewater                 |
| <input type="checkbox"/> Biological Resources          | <input type="checkbox"/> Population/Housing                   | <input checked="" type="checkbox"/> Water                      |
| <input checked="" type="checkbox"/> Cultural Resources | <input checked="" type="checkbox"/> Public Services/Utilities | <input type="checkbox"/> Land Use                              |

**DETERMINATION:** (To be completed by the Lead Agency)

On the basis of this initial evaluation, the Environmental Coordinator finds that:

- ☐ The proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- ☒ Although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- ☐ The proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- ☐ The proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- ☐ Although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Brian Pedraza  
Prepared by (Print)

B.D. Peto  
Signature

7/29/05  
Date

John Nall  
Reviewed by (Print)

John Nall  
Signature (for) Ellen Carroll,  
Environmental Coordinator

7/29/05  
Date

**Project Environmental Analysis**

The County's environmental review process incorporates all of the requirements for completing the Initial Study as required by the California Environmental Quality Act (CEQA) and the CEQA Guidelines. The Initial Study includes staff's on-site inspection of the project site and surroundings and a detailed review of the information in the file for the project. In addition, available background information is reviewed for each project. Relevant information regarding soil types and characteristics, geologic information, significant vegetation and/or wildlife resources, water availability, wastewater disposal services, existing land uses and surrounding land use categories and other information relevant to the environmental review process are evaluated for each project. Exhibit A includes the references used, as well as the agencies or groups that were contacted as a part of the Initial Study. The Environmental Division uses the checklist to summarize the results of the research accomplished during the initial environmental review of the project.

Persons, agencies or organizations interested in obtaining more information regarding the environmental review process for a project should contact the County of San Luis Obispo Environmental Division, Rm. 310, County Government Center, San Luis Obispo, CA, 93408-2040 or call (805) 781-5600.

**A. PROJECT**

**DESCRIPTION:** Request by Ed Shapiro for a Tract Map and Conditional Use Permit to subdivide an existing 5.0-acre parcel into nine parcels ranging from .19 to 1.32 acres each for the purpose of a mixed-use development plan including retail, office, and residential uses. The division will create one on-site road. The proposed road name is Frontage Road. The proposed project will result in the disturbance of the entire 5.0 acre parcel. The proposed project is within the Commercial Retail land use category and is located on the west side of South Frontage Road (at 170 South Frontage Road), west of Highway 101, approximately 400 feet south of W. Tefft Street, in the community of Nipomo. The project site is in the South County Inland, Nipomo planning area.

ASSESSOR PARCEL NUMBER(S): 092-130-023

SUPERVISORIAL DISTRICT # 4

**B. EXISTING SETTING**

PLANNING AREA: South County (Inland), Nipomo

LAND USE CATEGORY: Commercial Retail

COMBINING DESIGNATION(S): None

EXISTING USES: Gymnasium, parking lot, play area

TOPOGRAPHY: Nearly level to gently rolling

VEGETATION: Grasses, oaks

PARCEL SIZE: 5.0 acres

SURROUNDING LAND USE CATEGORIES AND USES:

<i>North:</i> Commercial Retail; commercial use	<i>East:</i> Commercial Retail; Highway 101
<i>South:</i> Commercial Retail; vacant	<i>West:</i> Commercial Retail; residential

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**C. ENVIRONMENTAL ANALYSIS**

During the Initial Study process, several issues were identified as having potentially significant environmental effects (see following Initial Study). Those potentially significant items associated with the proposed uses can be minimized to less than significant levels.

**COUNTY OF SAN LUIS OBISPO  
INITIAL STUDY CHECKLIST**

1. <b>AESTHETICS - Will the project:</b>	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Create an aesthetically incompatible site open to public view?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Introduce a use within a scenic view open to public view?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Change the visual character of an area?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Create glare or night lighting, which may affect surrounding areas?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) <i>Impact unique geological or physical features?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) <i>Other: _____</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Setting/Impact.** The proposed project site is located on the west side of South Frontage Road approximately 75 feet west of Highway 101, in the community of Nipomo. The project site is located adjacent to commercial development to the north, and residential development to the west. The proposed project consists of subdividing the 5.0-acre site into nine mixed-use lots, with the following uses:

Lot #	Acres	Proposed Use
Dedicated	.58	South Frontage Road street and sidewalk improvements
1	1.01	Commercial/Retail (Existing building - gymnasium)
2	0.37	Commercial Condo / Retail / Office (Building 7)
3	0.19	Commercial Condo / Retail / Office (Building 3)
4	0.39	Commercial Condo / Retail / Office (Building 4)
5	0.28	Commercial Condo / Retail / Office (Building 6)
6	0.27	Commercial Condo / Retail / Office (Building 5)
7	0.74	Commercial Retail (Building 8)
8	1.32	Residential Condo / Retail (Buildings 1 and 2)
9	0.47	Open Space

Proposed improvements include: one 3-story commercial building with first floor retail space and second/third floor live/work units (Buildings 1 and 2); two 2-story buildings with first floor retail space and second floor residential units (Buildings 3 and 4); two 1-story commercial buildings (Buildings 5 and 6); one 2-story commercial building with first floor retail and second floor office space (Building 7), a one story restaurant (Building 8); and, approximately 17,382 square feet of landscaping and park improvements, 282 parking spaces, one road (South Frontage Road), and two underground stormwater retention basins resulting in approximately 5.0 acres of site disturbance. The project site

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is developed with a gymnasium and parking area with scattered oak trees that will be incorporated into the project. The surrounding area is characterized by commercial uses, residences, and undeveloped areas. The area's topography consists of flat to gently sloping developed areas and gently sloping undeveloped grassland.

The proposed buildings would be approximately 31 to 37 feet in height with tower elements up to 50 feet in height. The architecture of individual structures is designed with Early California style elements, with materials consistin of varied natural colored stucco building material, muted accent colors, and red tile roofing. Stone window trim elements and a mix of tile and cloth awnings are proposed along street frontages.

The proposed mixed-use development would be visible from multiple public travelways, including prominent views from Highway 101, South Frontage Road, and Hill Street. To a lesser extent, the project will be visible from West Tefft Street above existing commercial structures. All proposed buildings include varied architectural elements, detailed facades, and ornate signage that would enhance the existing character of the commercial environment, with one and two-story buildings located along South Frontage Road. Heights of buildings graduate to higher three-story retail and residential buildings further west along Hill Street. A restaurant and parking area are located on the narrow land between Highway 101 and South Frontage Road. The highway runs north and south at a slightly lower elevation than the site. This grade change in conjunction with landscaping proposed along the Highway 101 frontage will help to screen parking areas from view.

**Mitigation/Conclusion.** Based on the above discussion, no impacts to visual resources are anticipated and no mitigation measures are necessary.

## 2. AGRICULTURAL RESOURCES

- Will the project:

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Convert prime agricultural land to non-agricultural use?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Impair agricultural use of other property or result in conversion to other uses?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Conflict with existing zoning or Williamson Act program?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Other:</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Setting.** The soil types include: Oceano sand (0-9%)

As described in the Natural Resource Conservation Service Soil Survey, the "non-irrigated" soil class is "VI" , and the "irrigated soil class is "IV".

**Impact.** The project is located in a predominantly non-agricultural area with no agricultural activities occurring on the property or immediate vicinity. No significant impacts to agricultural resources are anticipated.

**Mitigation/Conclusion.** No mitigation measures are necessary.

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3. AIR QUALITY - Will the project:	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Violate any state or federal ambient air quality standard, or exceed air quality emission thresholds as established by County Air Pollution Control District?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) <i>Expose any sensitive receptor to substantial air pollutant concentrations?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Create or subject individuals to objectionable odors?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Be inconsistent with the District's Clean Air Plan?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>Other:</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Setting.** The project site is located within the South Central Coast Air Basin and is nearest to the Nipomo Ralco Way Air Quality Monitoring Station. Based on the latest air monitoring station information, the trend in air quality in the general area is improving.

The Air Pollution Control District (APCD) estimates that automobiles currently generate about 40% of the pollutants responsible for ozone formation. Nitrous oxides (NO<sub>x</sub>) and reactive organic gases (ROG) pollutants (vehicle emission components) are common contributors towards this chemical transformation into ozone. Dust, or particulate matter less than ten microns (PM<sub>10</sub>) that become airborne and which find their way into the lower atmosphere, can act as the catalyst in this chemical transformation to harmful ozone. In part, the land use controls currently in place for new development relating to ROG and NO<sub>x</sub> (i.e., application of the CEQA Air Quality Handbook) have helped reduce the formation of ozone.

The proposed project site is located adjacent to existing commercial development along West Tefft Street, and is located within the central business district of the Nipomo Village. The project site is bordered by residential development to the west. Residential areas are sensitive to air pollution, including both construction and operational emissions. Approximately 5.0 acres of site disturbance would occur during grading activities for the construction of the proposed mixed-use and commercial buildings, access roads, drainage improvements, and utility installation. The project site is located in the South County Air Quality Mitigation (SCAQM) fee area. New development will be subject to the SCAQM fee, which is intended to partially mitigate the cumulative effects of new development within the South County planning area. This program funds several strategies within the South County to improve air quality and reducing single-occupant vehicles, by: attracting transit ridership through regional bus stop improvements, encouraging carpooling through park-and-ride lot improvements and ridesharing advertising, promoting the use of bicycles through bike lane installation, reducing dust through limited road paving of several unpaved roads, and by providing electronic information/services locally to reduce vehicle trip lengths.

**Impact.** The proposed project was referred to the County of San Luis Obispo Air Pollution Control District (APCD) for review and determination of any air quality impacts potentially resulting during both

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the construction and operational phases of the proposed project. APCD commended the project for promotion of mixed-use development and proximity to stores, parks, and work. APCD additionally determined that the implementation of the proposed project could result in potentially significant air quality impacts (APCD letter; October 27, 2004). Air quality impacts during construction include the release of fugitive dust (PM<sub>10</sub>), the potential release of naturally occurring asbestos, and un-permitted developmental burning. Potential operational impacts include mixed-use incompatibilities, residential wood combustion devices, and exceedance of APCD thresholds of significance.

**Naturally-Occurring Asbestos.** The project site is located in an area potentially naturally occurring asbestos, serpentine or ultramafic rock. Asbestos is considered a toxic air contaminant by the State Air Resources Board. If asbestos is present within the soil underlying the project site, future grading and site disturbance activities would release the asbestos into the air, resulting in a potentially significant air quality impact.

**Developmental Burning.** On February 5, 2000, the APCD prohibited developmental burning of vegetative material within San Luis Obispo County; however, in certain situations where no technically feasible alternative is available, limited burning under restrictions may be allowed. Unregulated burning would result in a potentially significant air quality impact.

**Fugitive Dust (PM<sub>10</sub>).** Implementation of the proposed project would result in the generation of dust, potentially affecting local residents and businesses in close proximity to the project site. Dust complaints could result in violation of the APCD's nuisance rules, a potentially significant air quality impact.

**Mixed Use Incompatibility.** The proposed project includes mixed-use buildings with residential units sharing building space with potentially incompatible commercial operations due to odors and/or dust.

**Operational Phase Emissions.** APCD determined that the proposed residential and commercial development would likely exceed the Tier II significance thresholds of 25 lbs/day for NOX and ROG.

**Wood Combustion.** Only APCD-approved wood burning devices may be installed in new residential dwelling units.

#### **Mitigation/Conclusion.**

**Asbestos.** The applicant is required to conduct a geologic evaluation to determine if naturally occurring asbestos is present within the area that will be disturbed. In the event asbestos, serpentine, or ultramafic rock is discovered during construction, all asbestos regulations shall apply.

**Developmental Burning.** To minimize the effects of vegetative burning on regional air quality, the applicant is required by regulation to avoid burning, or if no alternative is available, obtain a burn permit from the APCD and County Fire/California Department of Forestry, and comply with all conditions required by these agencies.

**Fugitive Dust (PM<sub>10</sub>).** To minimize nuisance dust impacts, the applicant is required to implement APCD fugitive dust mitigation measures including reducing the amount of disturbed area where possible, the use of water trucks or sprinkler systems to water down airborne dust, daily spraying of dirt stock-pile areas, paving of applicable surfaces as soon as possible after grading, laying of building pads as soon as possible.

**Mixed Use Incompatibility.** To avoid potential nuisance problems from odors and/or dust from incompatible commercial uses (nail salons, dry-cleaners, coffee roasters, furniture refurbishing/refinishing) within close proximity to residential units, the applicant has agreed to restrict these uses to non-residential buildings.

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Operational Phase Emissions. To mitigate for the anticipated generation of NOX and ROG exceeding APCD thresholds, the applicant shall incorporate APCD mitigation into the project including bicycle parking, on-site eating, preferential carpool and vanpool parking, shower and locker facilities, and an increase in wall and attic insulation beyond Title 24 requirements. (refer to APCD Referral; October 28, 2004) for mitigation options.

Wood Combustion. The applicant has agreed to install only APCD approved wood burning devices in proposed new dwelling units.

Implementation of the mitigation measures described above and listed in Exhibit B would mitigate all identified air quality impacts to levels of insignificance.

4. BIOLOGICAL RESOURCES - <i>Will the project:</i>	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Result in a loss of unique or special status species or their habitats?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Reduce the extent, diversity or quality of native or other important vegetation?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Impact wetland or riparian habitat?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Introduce barriers to movement of resident or migratory fish or wildlife species, or factors, which could hinder the normal activities of wildlife?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>Other:</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Setting.** The project site is located within the Santa Barbara vernal pool region. The project site is located within an area that has identified vernal pool habitat as determined by aerial survey mapping by the U.S. Fish and Wildlife Service. The project site is located within an area designated as a critical habitat for the vernal pool fairy shrimp. The following habitats were observed on the proposed project: Grasses Based on the latest California Diversity database and other biological references, the following species or sensitive habitats were identified:

Plants: None

Wildlife: vernal pool fairy shrimp

Habitats: Santa Barbara vernal pool region

**Impact.** The proposed project site is a parcel developed with a gymnasium and adjacent to commercial and residential development. Vegetation on the project site consists of non-native grasses and oak trees. Although within a vernal pool region, the project site is nearly level, devoid of depressions or varied vegetation, and no vernal pools were observed onsite.

**Mitigation/Conclusion.** No significant biological impacts are expected to occur, and no mitigation measures are necessary.

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**5. CULTURAL RESOURCES -**  
*Will the project:*

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Disturb pre-historic resources?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) <i>Disturb historic resources?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) <i>Disturb paleontological resources?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Other:</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Setting.** Both prehistoric and historic cultural resources are known to exist in the Nipomo area. A Phase I Archaeological Inventory Survey (Stevens, 2004), and Phase II Archaeological Test Excavations of Possible Portion of CA-SLO-808 (Cogstone Resource Management, Inc.) were completed for the project site to determine the presence of cultural materials.

**Archaeological Resources.** The project site is located in an area historically occupied by the Obispeño Chumash. Based on the results of the records search and Phase I field survey, small quantities of prehistoric artifacts were observed on the parcel. A Phase II test excavation was recommended to determine if the property was an extension of a known archaeological site to the south across Hill Street. Resources observed on the parcel were determined to be on the surface only and many of the deposit areas were disturbed.

**Paleontological Resources.** The proposed project site is located on sand dune deposits, which are generally too young to contain significant paleontological resources.

**Impact.**

**Archaeological Resources.** Based on the results of the Phase I and Phase II reports, it is unlikely that significant archaeological resources are present on the project site. No evidence of intact cultural deposits was found during the evaluation.

**Mitigation/Conclusion.**

**Archaeological Resources.** To ensure that archaeological resources are not inadvertently disturbed on adjacent parcels owned, the applicant has agreed to install temporary construction fencing along the perimeter of the project site. No equipment or storage of materials associated with the proposed project shall be permitted outside of established project limits. Based on implementation of protection measures, impacts to archaeological resources would be avoided.

**6. GEOLOGY AND SOILS -**  
*Will the project:*

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Result in exposure to or production of unstable earth conditions, such as landslides, earthquakes, liquefaction, ground failure, land subsidence or other similar hazards?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Be within a California Geological Survey "Alquist-Priolo Earthquake Fault Zone"?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>



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## 6. GEOLOGY AND SOILS - Will the project:

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
c) <i>Result in soil erosion, topographic changes, loss of topsoil or unstable soil conditions from project-related improvements, such as vegetation removal, grading, excavation, or fill?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) <i>Change rates of soil absorption, or amount or direction of surface runoff?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) <i>Include structures located on expansive soils?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) <i>Change the drainage patterns where substantial on- or off-site sedimentation/ erosion or flooding may occur?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) <i>Involve activities within the 100-year flood zone?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h) <i>Be inconsistent with the goals and policies of the County's Safety Element relating to Geologic and Seismic Hazards?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
i) <i>Preclude the future extraction of valuable mineral resources?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
j) <i>Other: _____</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

### Setting.

Geology. The topography of the project site is nearly level. The area proposed for development is outside of the Geologic Study Area designation. The landslide and liquefaction potentials are low. No active faulting is known to exist on or near the project site. The project is within a known area containing serpentine or ultramafic rock or soils. A *Soils Engineering Report* conducted for the project by Earth Systems Pacific (June 17, 2005) included several standard recommendations for site preparation and construction. There is no evidence that measures above what would already be required by ordinance or code are necessary.

Drainage. The area proposed for development is outside the 100-year Flood Hazard designation. The closest source of surface water from the proposed development is Nipomo Creek, located approximately 0.3 mile to the east. As described in the NRCS Soil Survey, the soil is considered well drained. The proposed drainage system would consist of two underground stormwater retention basins located below parking areas on Lots 6 and 7, as well as landscaped areas to retain additional runoff. There is no evidence that measures above what would already be required by ordinance or code are needed.

Sedimentation and Erosion. The soil type mapped for the project site is Oceano sand (0-9% slope). As described in the NRCS Soil Survey, the soil has a high erodibility and low shrink swell

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characteristics. One road, nine commercial and residential buildings, curb, gutter and sidewalk improvements, a park, and onsite parking are proposed. Proposed South Frontage Road would provide access to the project site from the east, and Hill Street provides access from the south. Proposed retaining walls would range in height from 0.5 to 5.0 feet and are proposed in various places within the development. Implementation of the proposed project would result in the disturbance of 5.0 acres.

The Clean Water Act has established a regulatory system for the management of storm water discharges from construction, industrial and municipal sources. The California State Water Resources Control Board (SWRCB) has adopted a National Pollution Discharge Elimination System (NPDES) Storm Water General Permit, which requires the implementation of a Storm Water Pollution Prevention Plan (SWPPP) for discharges regulated under the SWRCB program. Currently, construction sites of one acre and greater may need to prepare and implement a SWPPP that focuses on controlling storm water runoff. Municipal and industrial sources are also regulated under separate NPDES general permits. The Regional Water Quality Control Board is the local extension of the SWRCB, who currently monitors these SWPPPs.

**Impact.** Grading for and construction of nine commercial and residential buildings, roadways, associated paving, landscaping and drainage improvements would create exposed graded areas subject to increased soil erosion and down-gradient sedimentation. Total grading activities and site disturbance would be approximately 5.0 acres for the proposed project, and would be subject to the NPDES program.

**Mitigation/Conclusion.** Pursuant to Clean Water Act regulations, the applicant is required to prepare and implement a SWPPP during construction to minimize off-site sedimentation and erosion impacts. Based on the above discussion and implementation of a SWPPP, geology and soils impacts would be mitigated to insignificance and no further measures are required.

7. HAZARDS & HAZARDOUS MATERIALS - Will the project:	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) Result in a risk of explosion or release of hazardous substances (e.g. oil, pesticides, chemicals, radiation) or exposure of people to hazardous substances?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Interfere with an emergency response or evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Expose people to safety risk associated with airport flight pattern?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Increase fire hazard risk or expose people or structures to high fire hazard conditions?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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## 7. HAZARDS & HAZARDOUS MATERIALS - Will the project:

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
e) <i>Create any other health hazard or potential hazard?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) <i>Other: _____</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Setting.** The project is not located in an area of known hazardous material contamination. The project is within a moderate severity risk area for fire. The proposed project is located within the State Responsibility Area for wildland fires and was referred to the California Department of Forestry (CDF)/County Fire Department. No significant fire safety concerns were identified (Gilbert Portillo; November 17, 2004). The project is not within the Airport Review area. The project does not propose the use of hazardous materials. The project does not present a significant fire safety risk. The project is not expected to conflict with any regional evacuation plan.

**Mitigation/Conclusion.** Pursuant to State Fire Code, standard fire safety measures would be required for future development, such as adequate water supply connection, access road and driveway standards, and fuel modification. Implementation of standard requirements would minimize potential fire risk to less than significant and no additional mitigation measures are necessary.

## 8. NOISE - Will the project:

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Expose people to noise levels that exceed the County Noise Element thresholds?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) <i>Generate increases in the ambient noise levels for adjoining areas?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Expose people to severe noise or vibration?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Other: _____</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

### Setting.

**Noise Exposure.** The proposed project site is located approximately 50 feet west of Highway 101, immediately west of West Tefft Street and north of Hill Street. These roads are the primary source of noise in the area. According to the noise study submitted (David Dubbink Assoc., 2005), average readings taken at locations on the property were within the 60 to 65 dB range, with maximum readings in the 65 to 70 dB range. The primary noise source was identified as Highway 101, with secondary noise sources from adjacent roadways and an automated car wash.

**Noise Generation.** Implementation of the proposed project would potentially result in the generation of traffic trips, which would contribute to the cumulative generation of transportation-related noise. The proposed project site is located in the midst of a major highway, expanding commercial

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development and residential development; therefore, generation of these trips would not result in a significant level of transportation-related noise.

**Impact.** The *County Noise Element* states that the maximum acceptable exterior noise level for both residential development and offices is 60 dB Ldn and that the maximum acceptable interior noise level is 45 dB. Proposed buildings 1 and 2, which house residential units, would be located on the rear half of the project site, and will be partially shielded from noise impacts from other buildings. An outdoor park area would also be located at the rear of the parcel, surrounded by proposed structures. Based on the location of the outdoor use area, the proposed buildings along South Frontage Road would absorb traffic-generated noise, and no additional mitigation is necessary to reduce outdoor noise levels. Indoor noise levels experienced in all buildings may exceed the threshold of 45 dB allowed by the *County Noise Element*.

**Mitigation/Conclusion.** The applicant has agreed to incorporate the use of noise reduction features on all buildings to reduce the level of interior noise caused by traffic on Highway 101. Buildings constructed with air conditioning or a mechanical ventilation system, windows and sliding glass doors mounted in low air infiltration rate frames, and solid core exterior doors with perimeter weather stripping and threshold seals, baffled roof and attic vents, and additional construction specifications would mitigate potential indoor noise impacts to a level of insignificance (County of San Luis Obispo; May 1992). Based on the above discussion and implementation of mitigation measures listed in Exhibit B, potentially significant noise impacts would be reduced to a level of insignificance.

## 9. POPULATION/HOUSING -

*Will the project:*

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Induce substantial growth in an area either directly or indirectly (e.g., through projects in an undeveloped area or extension of major infrastructure)?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Displace existing housing or people, requiring construction of replacement housing elsewhere?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Create the need for substantial new housing in the area?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Use substantial amount of fuel or energy?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>Other:</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Setting/Impact.** In its efforts to provide for affordable housing, the county currently administers the Home Investment Partnerships (HOME) Program and the Community Development Block Grant (CDBG) program, which provides limited financing to projects relating to affordable housing throughout the county. Title 18 of the County Code (Public Facilities Fees) requires that an affordable housing mitigation fee be imposed as a condition of approval of any new residential development project.

The County has recently adopted a revised Housing Element. One of the new Housing Element

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Programs (Program HE 1.9) indicates that the County will prepare an Inclusionary Housing Ordinance during 2005. Upon adoption of the ordinance, future commercial development may be required to pay a fee to support development of new affordable housing. The project will not result in a need for a significant amount of new housing, and will not displace existing housing.

**Mitigation/Conclusion.** The proposed project does not include specifically identified affordable housing. Prior to map recordation, the applicant is required to pay an affordable housing mitigation fee of 3.5 percent of the adopted Public Facility Fee. This fee will not apply to any county-recognized affordable housing included within the project. No significant population and housing impacts are anticipated, and no additional mitigation measures are necessary.

<b>10. PUBLIC SERVICES/UTILITIES -</b> <i>Will the project have an effect upon, or result in the need for new or altered public services in any of the following areas:</i>	<b>Potentially Significant</b>	<b>Impact can &amp; will be mitigated</b>	<b>Insignificant Impact</b>	<b>Not Applicable</b>
a) <i>Fire protection?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) <i>Police protection (e.g., Sheriff, CHP)?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) <i>Schools?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) <i>Roads?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) <i>Solid Wastes?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f) <i>Other public facilities?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) <i>Other: _____</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Setting.** The project area is served by the County Sheriff's Department and CDF/County Fire as the primary emergency responders. The closest CDF fire station (Nipomo Fire Station A B) is approximately .35 miles to the north. The closest Sheriff substation is in Oceano, which is approximately 7 miles from the proposed project. The project is located in the Lucia Mar Unified School District.

**Impact.** The project's direct and cumulative impacts are within the general assumptions of allowed use for the subject property that was used to estimate the fees in place.

**Mitigation/Conclusion.** This project, along with numerous others in the area will have a cumulative effect on police and fire protection, and schools. Public facility (county) and school (State Government Code 65995 et sec) fee programs have been adopted to address this impact and will reduce the cumulative impact to a level of insignificance.

<b>11. RECREATION - Will the project:</b>	<b>Potentially Significant</b>	<b>Impact can &amp; will be mitigated</b>	<b>Insignificant Impact</b>	<b>Not Applicable</b>
a) <i>Increase the use or demand for parks or other recreation opportunities?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) <i>Affect the access to trails, parks or other recreation opportunities?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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**11. RECREATION - Will the project:**Potentially  
SignificantImpact can  
& will be  
mitigatedInsignificant  
ImpactNot  
Applicablec) *Other* \_\_\_\_\_☐☐☐☐

**Setting/Impact.** The County Trails Plan does not show a future trail on the proposed project site. The proposed project was referred to the County Department of General Services Parks Division for review. The Parks Division did not identify any project-specific potentially significant impacts. Implementation of the proposed mixed-use development and occupation of 22 residential units would contribute to the cumulative demand for recreational resources in San Luis Obispo County.

**Mitigation/Conclusion.** In order to offset the cumulative demand for recreational resources, the applicant would be required to pay Quimby and Building Division fees unless the applicant provides County Parks with adequate information for either a Quimby Credit or Public Facility Fee credit (Jan DiLeo; November 23, 2004). No additional mitigation measures are necessary.

**12. TRANSPORTATION/  
CIRCULATION - Will the project:**Potentially  
SignificantImpact can  
& will be  
mitigatedInsignificant  
ImpactNot  
Applicablea) *Increase vehicle trips to local or areawide circulation system?*☐☒☐☐b) *Reduce existing "Levels of Service" on public roadway(s)?*☐☒☐☐c) *Create unsafe conditions on public roadways (e.g., limited access, design features, sight distance, slow vehicles)?*☐☐☒☐d) *Provide for adequate emergency access?*☐☐☒☐e) *Result in inadequate parking capacity?*☐☐☒☐f) *Result in inadequate internal traffic circulation?*☐☐☒☐g) *Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., pedestrian access, bus turnouts, bicycle racks, etc.)?*☐☐☒☐h) *Result in a change in air traffic patterns that may result in substantial safety risks?*☐☐☒☐i) *Other:* \_\_\_\_\_☐☐☐☐

**Setting.** The proposed project site is accessed from South Frontage Road and Hill Street, and is located west of the Highway 101 and Tefft Street interchange. South Frontage is collector that

extends from West Tefft Street to the north, south to the edge of Nipomo URL. Hill Street is a future collector that currently ends after Blume Street to the west. The applicant proposes to realign South Frontage Road from its current configuration to connect with Hill Street further west of Highway 101, allowing the possibility of a future hook ramp onto the freeway. The applicant also proposes improvements to Hill Street. Access driveways for the proposed development would be located on South Frontage Road and Hill Street.

**Impact.** The proposed project was referred to the County Public Works Department for review. The Public Works Department is currently consulting with the California Department of Transportation (Caltrans) regarding future improvements to the Highway 101 and Tefft Street interchange. Based on traffic calculations and analysis completed by the Public Works Department, the Level of Service at the Highway 101 and Tefft Street interchange is LOS D (Richard Marshall; April 8, 2005). All existing roadways and intersections affected by the proposed project are currently operating at acceptable levels of service for urban roadways. The Public Works Department reviewed the proposed development, and determined that no project-specific traffic impacts would occur.

The continued development of Nipomo, including the proposed project, would increase the traffic demands on West Tefft Street, and the Highway 101 and Tefft Street interchange. Based on consultation with the Public Works Department, the Level of Service at the interchange would decrease to LOS F under the cumulative build-out scenario. The County has developed the South County Road Fee Program to collect fees to be used towards road improvement projects within Nipomo and South County, including future improvements to the Highway 101 and Tefft Street interchange.

**Mitigation/Conclusion.** The proposed project is located within the Area 1 of the South County Fee Area. Prior to issuance of permits for future land uses on the project site, the applicant would be required to contribute to the fee program. The fees contributed to this program would partially finance the implementation of improvements to the Highway 101 and Tefft Street interchange, and mitigate cumulative impacts resulting from future development. Implementation of this measure would mitigate potential impacts to less than significant, and no additional mitigation measures are required.

13. WASTEWATER - Will the project:	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Violate waste discharge requirements or Central Coast Basin Plan criteria for wastewater systems?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Change the quality of surface or ground water (e.g., nitrogen-loading, daylighting)?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Adversely affect community wastewater service provider?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) <i>Other:</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Setting/Impact.** The proposed project's waste disposal needs would be served by the Nipomo Community Services District (NCSD). The Department of Environmental Health has received a "preliminary will serve" letter from the NCSD, which has indicated it has adequate resources to serve the project (Laurie A. Salo; June 29, 2005). The NCSD operates two sewage treatment plants, the Southland Wastewater Works and the Black Lake Wastewater Works. The Southland facility serves

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the main community, including the proposed project site. Based on the County *Annual Resource Summary Report* (2003), the Southland facility was at 42.3 percent capacity in 2003, based on a served population of 5,905. The facility would reach capacity at a population of 13,959. Implementation of the proposed project would not significantly affect the capacity of the facility.

**Mitigation/Conclusion.** The NCSD issued a preliminary intent-to-serve letter for sewer services. A final will-serve letter from the District would be required prior to recordation of the final map. No additional measures are necessary.

14. WATER - Will the project:		Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a)	Violate any water quality standards?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b)	Discharge into surface waters or otherwise alter surface water quality (e.g., turbidity, temperature, dissolved oxygen, etc.)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c)	Change the quality of groundwater (e.g., saltwater intrusion, nitrogen-loading, etc.)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d)	Change the quantity or movement of available surface or ground water?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e)	Adversely affect community water service provider?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f)	Other: _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

The topography of the project is nearly level. The closest creek (Nipomo Creek) from the proposed development is approximately .30 miles (east) away. As described in the NRCS Soil Survey, the soil surface is considered to have low erodibility.

**Setting/Impact.**

Surface Water. The proposed project site is not located near any sources of surface water. The topography of the site is nearly level to gently sloping. Standard drainage and erosion control measures and preparation of a SWPPP (refer to Section 6) would be required for the proposed project and would provide sufficient measures to adequately protect surface water quality. No additional measures are considered necessary and potential water quality impacts are either insignificant or will be reduced to less than significant levels.

Water Usage. The project proposes to use the NCSD as its water source. The Environmental Health Division has reviewed the project for water availability and has determined that there is preliminary evidence that there will be sufficient water available to serve the proposed project (Laurie A. Salo; June 29, 2005). The NCSD pumps water from the Santa Maria groundwater basin, which is made up of three interconnected sub areas (Tri-Cities, Nipomo Mesa, Santa Maria).



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Based on the most recent comprehensive study completed for this basin (State Department of Water Resources, "Water Resources of the Arroyo Grande-Nipomo Mesa Area", 2002), while extractions will increase above current levels over the next twenty years, the study concludes that "Supplies appear adequate to meet water demands through water year 2020". However, the study recognizes that there is a sizeable local pumping depression on the Nipomo Mesa that has changed the dynamics of flow between two sub areas (Santa Maria, Nipomo Mesa). The study warns that seawater intrusion could result from this existing pumping depression if water management practices are not changed in the future and this depression continues to grow. Also, due mainly to the absence of current evidence of seawater intrusion, DWR concludes that the basin is not in a state of overdraft. The report does recommend a number of measures to improve monitoring of the basin as well as increase the use of recycled water.

The Board of Supervisors certified RMS Level of Severity 2 for water supply in the Nipomo Mesa area, defined as the area subject to the 1.8% growth limit, as depicted in the Growth Management Ordinance.

Effective immediately, the County Flood Control and Water Conservation District will implement improved well monitoring and water quality monitoring programs for this area. Water purveyors in the Nipomo Mesa area are encouraged to strengthen their water conservation programs, increase their use of reclaimed water and continue their efforts to secure supplemental water. Also effective immediately, building permits must include the full range of water conservation measures, including: low water-use toilets, showerhead, faucets; low water-use clothes washers; automatic shut-off devices for bathroom and kitchen faucets; point-of-use supplemental water heater systems in bathrooms and kitchen, or circulating hot water systems; low water-use landscape; limited landscape areas; limited turf areas; low water-use plant materials; soil moisture sensors; drip irrigation systems; and separate meters for outdoor water use.

The Board of Supervisors also directed staff to process a general plan amendment (planning area standard) that would expand the application of landscape standards in the LUO (Sec. 22.16.020) for projects in the area subject to the 1.8% growth limit. Low water-use landscapes will now be required for all developer-installed landscapes on parcels of 5 acres or less in any land use category. In an effort to monitor the effectiveness of these water conservation measures, each annual update of the Growth Management Ordinance will include data to indicate if the water use rate per dwelling unit is trending downward. If progress toward water conservation targets is not evident, further growth limitations will be recommended.

**Mitigation/Conclusion.** To conserve water, the project will be subject to the County's Title 19 (Building and Construction Ordinance, Sec. 19.20.240) in addition to the measures described above. The ordinance requires the following water-conserving fixtures for domestic use: toilets limited to 1.6 gallons/flush; showerheads and faucets limited to 2.75 gallons/ minute; spas and hot tubs shall use re-circulating systems; and water supply piping shall be installed so each dwelling unit may be served by a separate water meter. Based on implementation of required water conservation measures, water impacts would be reduced to insignificance and no further measures are necessary.

**15. LAND USE - *Will the project:***

Inconsistent

Potentially  
Inconsistent

Consistent

Not  
Applicable

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**15. LAND USE - Will the project:**

	Inconsistent	Potentially Inconsistent	Consistent	Not Applicable
a) <i>Be potentially inconsistent with land use, policy/regulation (e.g., general plan [county land use element and ordinance], local coastal plan, specific plan, Clean Air Plan, etc.) adopted to avoid or mitigate for environmental effects?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Be potentially inconsistent with any habitat or community conservation plan?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Be potentially inconsistent with adopted agency environmental plans or policies with jurisdiction over the project?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Be potentially incompatible with surrounding land uses?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>Other:</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Setting/Impact.** Surrounding uses are identified on Page 2 of the Initial Study. The proposed project was reviewed for consistency with policy and/or regulatory documents relating to the environment and appropriate land use (e.g., County Land Use Ordinance, Local Coastal Plan, etc.). Referrals were sent to outside agencies to review for policy consistencies (e.g., CDF for Fire Code, APCD for Clean Air Plan, etc.). The project was found to be consistent with these documents (refer also to Exhibit A on reference documents used).

The project is not within or adjacent to a Habitat Conservation Plan area. The project is consistent or compatible with the surrounding uses as summarized on page 2 of this Initial Study.

**Mitigation/Conclusion.** No inconsistencies were identified and therefore no additional measures above what will already be required was determined necessary.

**16. MANDATORY FINDINGS OF SIGNIFICANCE - Will the project:**

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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b) *Have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)*

☐☒☐☐

c) *Have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?*

☐☐☒☐

For further information on CEQA or the county's environmental review process, please visit the County's web site at "www.sloplanning.org" under "Environmental Review", or the California Environmental Resources Evaluation System at "http://ceres.ca.gov/topic/env\_law/ ceqa/ guidelines/" for information about the California Environmental Quality Act.

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# **Exhibit A - Initial Study References and Agency Contacts**

The County Planning or Environmental Division have contacted various agencies for their comments on the proposed project. With respect to the subject application, the following have been contacted (marked with an ☒) and when a response was made, it is either attached or in the application file:

<b><u>Contacted</u></b>	<b><u>Agency</u></b>	<b><u>Response</u></b>
<input checked="" type="checkbox"/>	County Public Works Department	<b>Attached</b>
<input checked="" type="checkbox"/>	County Environmental Health Division	<b>Attached</b>
<input type="checkbox"/>	County Agricultural Commissioner's Office	<b>Not Applicable</b>
<input type="checkbox"/>	County Airport Manager	<b>Not Applicable</b>
<input type="checkbox"/>	Airport Land Use Commission	<b>Not Applicable</b>
<input checked="" type="checkbox"/>	Air Pollution Control District	<b>Attached</b>
<input type="checkbox"/>	County Sheriff's Department	<b>Not Applicable</b>
<input type="checkbox"/>	Regional Water Quality Control Board	<b>Not Applicable</b>
<input type="checkbox"/>	CA Coastal Commission	<b>Not Applicable</b>
<input type="checkbox"/>	CA Department of Fish and Game	<b>Not Applicable</b>
<input checked="" type="checkbox"/>	CA Department of Forestry	<b>Attached</b>
<input checked="" type="checkbox"/>	CA Department of Transportation	<b>Attached</b>
<input checked="" type="checkbox"/>	Nipomo Community Service District	<b>Attached</b>
<input checked="" type="checkbox"/>	Other <u>Nipomo Community Advisory Council</u>	<b>Attached</b>
<input checked="" type="checkbox"/>	Other <u>County Parks and Recreation</u>	<b>Attached</b>

**\*\* "No comment" or "No concerns"-type responses are usually not attached**

The following checked ("☒") reference materials have been used in the environmental review for the proposed project and are hereby incorporated by reference into the Initial Study. The following information is available at the County Planning and Building Department.

<input checked="" type="checkbox"/> Project File for the Subject Application	<input type="checkbox"/> Area Plan and Update EIR
<b><u>County documents</u></b>	<input type="checkbox"/> Circulation Study
<input type="checkbox"/> Airport Land Use Plans	<b><u>Other documents</u></b>
<input checked="" type="checkbox"/> Annual Resource Summary Report	<input checked="" type="checkbox"/> Archaeological Resources Map
<input type="checkbox"/> Building and Construction Ordinance	<input checked="" type="checkbox"/> Area of Critical Concerns Map
<input type="checkbox"/> Coastal Policies	<input checked="" type="checkbox"/> Areas of Special Biological Importance Map
<input checked="" type="checkbox"/> Framework for Planning (Coastal & Inland)	<input checked="" type="checkbox"/> California Natural Species Diversity Database
<input checked="" type="checkbox"/> General Plan (Inland & Coastal), including all maps & elements; more pertinent elements considered include:	<input checked="" type="checkbox"/> Clean Air Plan
<input checked="" type="checkbox"/> Agriculture & Open Space Element	<input checked="" type="checkbox"/> Fire Hazard Severity Map
<input checked="" type="checkbox"/> Energy Element	<input checked="" type="checkbox"/> Flood Hazard Maps
<input checked="" type="checkbox"/> Environment Plan (Conservation, Historic and Esthetic Elements)	<input checked="" type="checkbox"/> Natural Resources Conservation Service Soil Survey for SLO County
<input checked="" type="checkbox"/> Housing Element	<input checked="" type="checkbox"/> Regional Transportation Plan
<input checked="" type="checkbox"/> Noise Element	<input checked="" type="checkbox"/> Uniform Fire Code
<input type="checkbox"/> Parks & Recreation Element	<input checked="" type="checkbox"/> Water Quality Control Plan (Central Coast Basin – Region 3)
<input checked="" type="checkbox"/> Safety Element	<input checked="" type="checkbox"/> GIS mapping layers (e.g., habitat, streams, contours, etc.)
<input checked="" type="checkbox"/> Land Use Ordinance	<input type="checkbox"/> Other _____
<input checked="" type="checkbox"/> Real Property Division Ordinance	
<input type="checkbox"/> Trails Plan	
<input type="checkbox"/> Solid Waste Management Plan	

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In addition, the following project specific information and/or reference materials have been considered as a part of the Initial Study:

Cultural Resource Management Services (Nathan Stevens). May 3, 2004. *Phase I Archaeological Inventory Survey of 6 Acres, Hill and Frontage Road, Nipomo.*

Cogstone Resource Management, Inc. May 2005. *Archaeological Test Excavations (Phase II) of a Possible Portion of CA-SLO-808 for the Nipomo Commons Project.*

David Dubbink Associates. February 25, 2005. *Untitled noise survey.*

Earth Systems Pacific. January 17, 2005. *Soils Engineering Report Nipomo Commons, Tract 2611.*

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## Exhibit B - Mitigation Summary Table

### Air Quality

**AQ-1 Prior to construction permit issuance,** a geologic investigation will be prepared and then submitted to the county to determine the presence of naturally-occurring asbestos. If naturally occurring asbestos is found at the site, the applicant must comply with all requirements outlined in the Asbestos ATCM before grading begins. These requirements may include, but are not limited to, 1) preparation of an "Asbestos Dust Mitigation Plan", which must be approved by APCD before grading begins; 2) an "Asbestos Health and Safety Program", as determined necessary by APCD.

**AQ-2 Prior to issuance of construction permits,** the following measures shall be incorporated into the construction phase of the project and shown on all applicable plans:

- a. Reduce the amount of the disturbed area where possible;
- b. Use of water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency would be required whenever wind speeds exceed 15 mph. Reclaimed (nonpotable) water should be used whenever possible;
- c. All dirt stock-pile areas should be sprayed daily as needed;
- d. Permanent dust control measures identified in the approved project revegetation and landscape plans should be implemented as soon as possible following completion of any soil disturbing activities;
- e. Exposed ground areas that are planned to be reworked at dates greater than one month after initial grading should be sown with a fast-germinating native grass seed and watered until vegetation is established;
- f. All disturbed soil areas not subject to revegetation should be stabilized using approved chemical soil binders, jute netting, or other methods approved in advance by the APCD;
- g. All roadways, driveways, sidewalks, etc. to be paved should be completed as soon as possible. In addition, building pads should be laid as soon as possible after grading unless seeding or soil binders are used;
- h. Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site;
- i. All trucks hauling dirt, sand, soil, or other loose materials are to be covered or should maintain at least two feet of freeboard (minimum vertical distance between top of load and top of trailer) in accordance with CVC Section 23114.
- j. Install wheel washers where vehicles enter and exit unpaved roads onto streets, or wash off trucks and equipment leaving the site; and
- k. Sweep streets at the end of each day if visible soil material is carried onto adjacent paved roads. Water sweepers with reclaimed water should be used where feasible.
- l. All construction equipment be properly maintained and tuned according to manufacturer's specifications.
- m. All off-road and portable diesel powered equipment, including but not limited to bulldozers, graders, cranes, loaders, scrapers, backhoes, generator sets, compressors, auxiliary power units, shall be fueled exclusively with ARB motor vehicle diesel fuel; and
- n. Maximize to the extent feasible, the use of diesel construction equipment meeting the ARB's 1996 or newer certification standard for off-road heavy-duty diesel engines;

**AQ-3** To avoid incompatibilities with residential uses (complaints from odors and/or dust), no nail salons, dry-cleaners, coffee roasters, furniture refurbishing/refinishing or similar uses may

occur in buildings with residential units.

**AQ-4 Prior to issuance of building permits, in the instance wood burning stoves are proposed,** the applicant shall submit building plans showing the use of APCD-approved wood burning devices limited to the following:

- a. All EPA-Certified Phase II wood burning devices;
- b. Catalytic wood burning devices that emit less than or equal to 4.1 grams per hour of particulate matter that are not EPA-Certified but have been verified by a nationally-recognized testing lab;
- c. Non-catalytic wood burning devices that limit less than or equal to 7.5 grams per hour of particulate matter that are not EPA-Certified but have been verified by a nationally-recognized testing lab;
- d. Pellet-fueled woodheaters, and;
- a. Dedicated gas-fired fireplaces.

**AQ-5 Prior to issuance of use permit,** the following measures shall be incorporated into the residential component of the project:

- a. Provide continuous sidewalks separated from the roadway by landscaping and on-street parking. Adequate lighting for sidewalks must be provided, along with crosswalks at intersections.
- b. Increase the building energy efficiency rating by 10% above what is required by Title 24 requirements (this can be accomplished in a number of ways (increasing attic, wall or floor insulation, etc.).
- c. If the project is located on an established transit route, improve public transit accessibility by providing a transit turnout with direct pedestrian access to project (shall not conflict with route guidelines established by local transit authority);
- d. Increase street tree planting above required minimum;
- e. Install outdoor electrical outlets near all exterior doors and at 50 ft. (or closer) intervals to encourage the use of electric appliances and tools;
- f. Provide secure on-site bicycle parking for multi-family residential developments;
- g. Increase number of bicycle routes/lanes;
- h. Build new homes with internal wiring/cabling that allows telecommuting, teleconferencing, and telelearning to occur simultaneously in at least three locations in each home;
- i. Provide pedestrian signalization and signage to improve pedestrian safety;
- j. Install shade trees planted closely along southern exposures of buildings to reduce summer cooling needs;
- k. Use roof material with a solar reflectance value meeting the EPA/DOE Energy Star® rating to reduce summer cooling needs;
- l. Use high efficiency, gas or solar water heaters;
- m. Use built-in energy efficient appliances;
- n. Use double-paned windows;
- o. Use low energy street lights (i.e. sodium);
- p. Use energy efficient interior lighting in all feasible locations;
- q. Use low energy traffic signals (i.e. light emitting diode);
- r. Install door sweeps and weather stripping if more efficient doors and windows are not available;
- s. Install high efficiency or gas space heating.

**AQ-5 Prior to issuance of use permit,** the following measures shall be incorporated into the commercial/office component of the project:

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- a. Provide on-site bicycle parking (one bicycle parking space for every ten car parking spaces); for the approximate 282 spaces proposed, at least 28 bicycle spaces shall be installed.
- b. Provide on-site eating, refrigeration and food vending facilities to reduce lunchtime trips;
- c. Provide preferential carpool and vanpool parking;
- d. Provide shower and locker facilities to encourage employees to bike and/or walk to work (one shower and three lockers for every 25 employees);
- e. Increase building energy efficiency rating by 10% above what is required by Title 24 requirements (this can be accomplished in a number of ways (increasing attic, wall or floor insulation, etc.).
- f. Increase street tree planting above required minimum;
- g. Plant shade trees in parking lots to reduce evaporative emissions from parked vehicles;
- h. Install an electrical vehicle charging station with both conductive and inductive charging capabilities;
- i. If the project is located on an established transit route, improve public transit accessibility by providing transit turnouts with direct pedestrian access to project or improve transit stop amenities;
- j. Implement on-site circulation design elements in parking lots to reduce vehicle queuing and emphasize the pedestrian environment;
- k. Provide pedestrian signalization and signage to improve pedestrian safety;
- l. Employ or appoint an Employee Transportation Coordinator
- m. Implement a Transportation Choices Program. The applicant will work with the Transportation Choices Coalition partners on how to start and maintain a program (contact SLO Regional Rideshare at 805/541-2277);
- n. Provide incentives to employees to carpool/vanpool, take public transportation, telecommute, walk, bike, etc.;
- o. Implement compressed work schedules;
- p. Implement telecommuting program;
- q. Implement a lunchtime shuttle to reduce single occupant vehicle trips;
- r. Participate in an employee "flash-pass" program, which provides free travel on transit buses;
- s. Include teleconferencing capabilities, such as web cams or satellite linkage, which will allow employees to attend meetings remotely without requiring them to travel out of the area;
- t. If the development is a grocery store or large retail facility, provide home delivery service for customers;
- u. Install shade trees planted closely along southern exposures of buildings to reduce summer cooling needs;
- v. Use roof material with a solar reflectance value meeting the EPA/DOE Energy Star® rating to reduce summer cooling needs;
- w. Use built-in energy efficient appliances, where applicable;
- x. Use double-paned windows;
- y. Use low energy parking lot and street lights (i.e. sodium);
- z. Use energy efficient interior lighting;
- aa. Use low energy traffic signals (i.e. light emitting diode);
- bb. Install door sweeps and weather stripping if more efficient doors and windows are not available;
- cc. Install high efficiency or gas space heating;

**AQ-6 Prior to issuance of use permit,** at least three additional APCD mitigation recommendations shall be incorporated into the project. Potential mitigation addressing Site Design, Transportation Demand, and Energy Efficiency are listed in the attached letter (Jan Downs



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Vidalin, APCD; October 27, 2004).

**AQ-7 Prior to approval of specific business uses**, the applicant shall obtain APCD permits if required. Potential uses subject to APCD permit approval include, but are not limited to: electrical generation plants or the use of standby generator, food and beverage preparation (primarily coffee roasters), furniture and fixture products, small scale manufacturing, and dry cleaning.

### **Cultural Resources**

**CR-1 Prior to issuance of grading and construction permits**, the applicant shall install temporary construction fencing along the perimeter of the project site.. The fencing shall also be noted on applicable grading and construction plans. No equipment or storage of materials associated with the proposed project shall be permitted outside of established project limits.

### **Geology and Soils**

**GS-1 Prior to issuance of grading permits for tract improvements**, the applicant shall submit a copy of the approved Stormwater Pollution Prevention Plan (SWPPP).

### **Noise**

**N-1 Prior to issuance of construction permits**, the applicant shall submit plans showing that the following noise mitigation features are included on all proposed buildings:

- a. Air conditioning or a mechanical ventilation system is installed so that windows and doors may remain closed.
- b. Windows and sliding glass doors are mounted in low air infiltration rate frames (0.5 cfm or less, per ANSI specifications).
- c. Exterior doors are solid core with perimeter weather stripping and threshold seals.
- d. Exterior walls consist of stucco or brick veneer.
- e. Glass in both windows and doors shall not exceed 20 percent of the floor area in a room facing Highway 101.
- f. Roof or attic vents facing the noise source shall be baffled.
- g. The interior sheetrock of exterior wall assemblies shall be attached to studs by resilient channels. Staggered studs or double walls are acceptable alternatives.
- h. Window assemblies shall have a laboratory-tested STC rating of 30 or greater.

### **Recreation**

**R-1 Prior to recordation of final map**, the applicant shall pay all applicable Quimby and Building Division Fees.

### **Wastewater**

**WW-1 Prior to recordation of the final map**, the applicant shall submit a final "will-serve" letter from the Nipomo Community Services District to the Department of Environmental Health.

### **Water**

**W-1 Prior to issuance of building permits**, construction plans must include indoor water conservation measures including: low water-use toilets, showerheads, and faucets; automatic shut-off devices for bathroom and kitchen faucets; and point-of-use supplemental water

heater systems or circulating hot water systems in bathrooms and kitchen. Landscape plans for the proposed parcels must include outdoor conservation measures including: limited landscape area, low water-use plant materials, limited turf area, soil moisture sensors, and drip irrigation systems.

- W-2 Prior to final inspection**, for structures where the pipe from the hot water heater to any faucet is greater than 20 feet in length, apply one or more of the following: 1) install a hot water pipe circulating system for entire structure; 2) install "point-of-use" water heater "boosters" near all hot water faucets (that are greater than 20 linear pipe feet from water heater), or 3) use the narrowest pipe possible (e.g., from 1" to ½" diameter). **Prior to permit issuance**, the measure(s) to be used shall be shown on all applicable plumbing plans.
- W-3 Prior to recordation of the final map**, the applicant shall submit a final "will-serve" letter from the Nipomo Community Services District to the Environmental Health Division.

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Environmental Determination: ED04-084

Date: August 1, 2005

**DEVELOPER'S STATEMENT FOR THE  
SHAPIRO TRACT MAP AND CONDITIONAL USE PERMIT SUB2004-00169 TR 2611**

The applicant agrees to incorporate the following measures into the project. These measures become a part to the project description and therefore become a part of the record of action upon which the environmental determination is based. All construction/grading activity must occur in strict compliance with the following mitigation measures. These measures shall be perpetual and run with the land. These measures are binding on all successors in interest of the subject property.

**Note:** The items contained in the boxes labeled "Monitoring" describe the County procedures to be used to ensure compliance with the mitigation measures.

**AIR QUALITY**

**AQ-1 Prior to issuance of construction permits**, a geologic investigation will be prepared and then submitted to the county to determine the presence of naturally-occurring asbestos. If naturally occurring asbestos is found at the site, the applicant must comply with all requirements outlined in the Asbestos ATCM before grading begins. These requirements may include, but are not limited to, 1) preparation of an "Asbestos Dust Mitigation Plan", which must be approved by APCD before grading begins; 2) an "Asbestos Health and Safety Program", as determined necessary by APCD.

**AQ-2 Prior to issuance of construction permits**, the following measures shall be incorporated into the construction phase of the project and shown on all applicable plans:

- a. Reduce the amount of the disturbed area where possible;
- b. Use of water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency would be required whenever wind speeds exceed 15 mph. Reclaimed (nonpotable) water should be used whenever possible;
- c. All dirt stock-pile areas should be sprayed daily as needed;
- d. Permanent dust control measures identified in the approved project revegetation and landscape plans should be implemented as soon as possible following completion of any soil disturbing activities;
- e. Exposed ground areas that are planned to be reworked at dates greater than one month after initial grading should be sown with a fast-germinating native grass seed and watered until vegetation is established;
- f. All disturbed soil areas not subject to revegetation should be stabilized using approved chemical soil binders, jute netting, or other methods approved in advance by the APCD;
- g. All roadways, driveways, sidewalks, etc. to be paved should be completed as soon as possible. In addition, building pads should be laid as soon as possible after grading unless seeding or soil binders are used;
- h. Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site;
- i. All trucks hauling dirt, sand, soil, or other loose materials are to be covered or should maintain at least two feet of freeboard (minimum vertical distance between top of load and top of trailer) in accordance with CVC Section 23114.
- j. Install wheel washers where vehicles enter and exit unpaved roads onto streets, or wash off trucks and equipment leaving the site; and
- k. Sweep streets at the end of each day if visible soil material is carried onto adjacent paved

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Environmental Determination: ED04-421

Date: May 12, 2005

roads. Water sweepers with reclaimed water should be used where feasible.

- l. All construction equipment be properly maintained and tuned according to manufacturer's specifications.
- m. All off-road and portable diesel powered equipment, including but not limited to bulldozers, graders, cranes, loaders, scrapers, backhoes, generator sets, compressors, auxiliary power units, shall be fueled exclusively with ARB motor vehicle diesel fuel; and
- n. Maximize to the extent feasible, the use of diesel construction equipment meeting the ARB's 1996 or newer certification standard for off-road heavy-duty diesel engines;

**AQ-3** To avoid incompatibilities with residential uses (complaints from odors and/or dust), no nail salons, dry-cleaners, coffee roasters, furniture refurbishing/refinishing or similar uses may occur in buildings with residential units.

**AQ-4** **Prior to issuance of construction permits**, in the instance wood burning stoves are proposed, the applicant shall submit building plans showing the use of APCD-approved wood burning devices limited to the following:

- a. All EPA-Certified Phase II wood burning devices;
- b. Catalytic wood burning devices that emit less than or equal to 4.1 grams per hour of particulate matter that are not EPA-Certified but have been verified by a nationally-recognized testing lab;
- c. Non-catalytic wood burning devices that limit less than or equal to 7.5 grams per hour of particulate matter that are not EPA-Certified but have been verified by a nationally-recognized testing lab;
- d. Pellet-fueled woodheaters, and;
- a. Dedicated gas-fired fireplaces.

**AQ-5** **Prior to issuance of construction permits**, the following measures shall be incorporated into the residential component of the project:

- a. Provide continuous sidewalks separated from the roadway by landscaping and on-street parking. Adequate lighting for sidewalks must be provided, along with crosswalks at intersections.
- b. Increase the building energy efficiency rating by 10% above what is required by Title 24 requirements (this can be accomplished in a number of ways (increasing attic, wall or floor insulation, etc.).
- c. If the project is located on an established transit route, improve public transit accessibility by providing a transit turnout with direct pedestrian access to project (shall not conflict with route guidelines established by local transit authority);
- d. Increase street tree planting above required minimum;
- e. Install outdoor electrical outlets near all exterior doors and at 50 ft. (or closer) intervals to encourage the use of electric appliances and tools;
- f. Provide secure on-site bicycle parking for multi-family residential developments;
- g. Increase number of bicycle routes/lanes;
- h. Build new homes with internal wiring/cabling that allows telecommuting, teleconferencing, and telelearning to occur simultaneously in at least three locations in each home;
- i. Provide pedestrian signalization and signage to improve pedestrian safety;
- j. Install shade trees planted closely along southern exposures of buildings to reduce summer cooling needs;
- k. Use roof material with a solar reflectance value meeting the EPA/DOE Energy Star® rating

- to reduce summer cooling needs;
- l. Use high efficiency, gas or solar water heaters;
- m. Use built-in energy efficient appliances;
- n. Use double-paned windows;
- o. Use low energy street lights (i.e. sodium);
- p. Use energy efficient interior lighting in all feasible locations;
- q. Use low energy traffic signals (i.e. light emitting diode);
- r. Install door sweeps and weather stripping if more efficient doors and windows are not available;
- s. Install high efficiency or gas space heating.

**AQ-5 Prior to issuance of construction permits**, the following measures shall be incorporated into the commercial/office component of the project:

- a. Provide on-site bicycle parking (one bicycle parking space for every ten car parking spaces); for the approximate 282 spaces proposed, at least 28 bicycle spaces shall be installed.
- b. Provide on-site eating, refrigeration and food vending facilities to reduce lunchtime trips;
- c. Provide preferential carpool and vanpool parking;
- d. Provide shower and locker facilities to encourage employees to bike and/or walk to work (one shower and three lockers for every 25 employees);
- e. Increase building energy efficiency rating by 10% above what is required by Title 24 requirements (this can be accomplished in a number of ways (increasing attic, wall or floor insulation, etc.).
- f. Increase street tree planting above required minimum;
- g. Plant shade trees in parking lots to reduce evaporative emissions from parked vehicles;
- h. Install an electrical vehicle charging station with both conductive and inductive charging capabilities;
- i. If the project is located on an established transit route, improve public transit accessibility by providing transit turnouts with direct pedestrian access to project or improve transit stop amenities;
- j. Implement on-site circulation design elements in parking lots to reduce vehicle queuing and emphasize the pedestrian environment;
- k. Provide pedestrian signalization and signage to improve pedestrian safety;
- l. Employ or appoint an Employee Transportation Coordinator
- m. Implement a Transportation Choices Program. The applicant will work with the Transportation Choices Coalition partners on how to start and maintain a program (contact SLO Regional Rideshare at 805/541-2277);
- n. Provide incentives to employees to carpool/vanpool, take public transportation, telecommute, walk, bike, etc.;
- o. Implement compressed work schedules;
- p. Implement telecommuting program;
- q. Implement a lunchtime shuttle to reduce single occupant vehicle trips;
- r. Participate in an employee "flash-pass" program, which provides free travel on transit buses;
- s. Include teleconferencing capabilities, such as web cams or satellite linkage, which will allow employees to attend meetings remotely without requiring them to travel out of the area;
- t. If the development is a grocery store or large retail facility, provide home delivery service for customers;
- u. Install shade trees planted closely along southern exposures of buildings to reduce summer cooling needs;
- v. Use roof material with a solar reflectance value meeting the EPA/DOE Energy Star® rating to reduce summer cooling needs;

- w. Use built-in energy efficient appliances, where applicable;
- x. Use double-paned windows;
- y. Use low energy parking lot and street lights (i.e. sodium);
- z. Use energy efficient interior lighting;
- aa. Use low energy traffic signals (i.e. light emitting diode);
- bb. Install door sweeps and weather stripping if more efficient doors and windows are not available;
- cc. Install high efficiency or gas space heating;

**AQ-6 Prior to issuance of construction permits**, at least three additional APCD mitigation recommendations shall be incorporated into the project. Potential mitigation addressing Site Design, Transportation Demand, and Energy Efficiency are listed in the attached letter (Jan Downs Vidalin, APCD; October 27, 2004).

**AQ-7 Prior to approval of specific business uses**, the applicant shall obtain APCD permits if required. Potential uses subject to APCD permit approval include, but are not limited to: electrical generation plants or the use of standby generator, food and beverage preparation (primarily coffee roasters), furniture and fixture products, small scale manufacturing, and dry cleaning.

**Monitoring Items AQ-1 through AQ-7:** The Planning and Building Department, in consultation with the County Air Pollution Control District shall verify compliance.

### **CULTURAL RESOURCES**

**CR-1 Prior to issuance of grading and construction permits**, the applicant shall install temporary construction fencing along the perimeter of the project site.. The fencing shall also be noted on applicable grading and construction plans. No equipment or storage of materials associated with the proposed project shall be permitted outside of established project limits.

**Monitoring:** The Planning and Building Department shall verify compliance.

### **GEOLOGY AND SOILS**

**GS-1 Prior to issuance of grading permits for tract improvements**, the applicant shall submit a copy of the approved Stormwater Pollution Prevention Plan (SWPPP).

**Monitoring:** The Planning and Building Department shall verify compliance.

### **NOISE**

**N-1 Prior to issuance of construction permits**, the applicant shall submit plans showing that the following noise mitigation features are included on all proposed buildings:

- a. Air conditioning or a mechanical ventilation system is installed so that windows and doors may remain closed.
- b. Windows and sliding glass doors are mounted in low air infiltration rate frames (0.5 cfm or less, per ANSI specifications).
- c. Exterior doors are solid core with perimeter weather stripping and threshold seals.
- d. Exterior walls consist of stucco or brick veneer.
- e. Glass in both windows and doors shall not exceed 20 percent of the floor area in a room facing Highway 101.
- f. Roof or attic vents facing the noise source shall be baffled.
- g. The interior sheetrock of exterior wall assemblies shall be attached to studs by resilient channels. Staggered studs or double walls are acceptable alternatives.
- h. Window assemblies shall have a laboratory-tested STC rating of 30 or greater.

**Monitoring:** The Planning and Building Department shall verify compliance in consultation with the Environmental Coordinator.

## **RECREATION**

- R-1 Prior to recordation of final map,** the applicant shall pay all applicable Quimby and Building Division Fees.

**Monitoring:** The Planning and Building Department shall verify compliance.

## **WASTEWATER**

- WW-1 Prior to recordation of the final map,** the applicant shall submit a final "will-serve" letter from the Nipomo Community Services District to the Department of Environmental Health.

**Monitoring:** The Planning and Building Department shall verify compliance in consultation with the Department of Environmental Health.

## **WATER**

- W-1 Prior to issuance of building permits,** construction plans must include indoor water conservation measures including: low water-use toilets, showerheads, and faucets; automatic shut-off devices for bathroom and kitchen faucets; and point-of-use supplemental water heater systems or circulating hot water systems in bathrooms and kitchen. Landscape plans for the proposed parcels must include outdoor conservation measures including: limited landscape area, low water-use plant materials, limited turf area, soil moisture sensors, and drip irrigation systems.
- W-2 Prior to final inspection,** for structures where the pipe from the hot water heater to any faucet is greater than 20 feet in length, apply one or more of the following: 1) install a hot water pipe circulating system for entire structure; 2) install "point-of-use" water heater "boosters" near all

6.56

Environmental Determination: ED04-421

Date: May 12, 2005

hot water faucets (that are greater than 20 linear pipe feet from water heater), or 3) use the narrowest pipe possible (e.g., from 1" to 1/2" diameter). Prior to permit issuance, the measure(s) to be used shall be shown on all applicable plumbing plans.

W-3 **Prior to recordation of the final map**, the applicant shall submit a final "will-serve" letter from the Nipomo Community Services District to the Environmental Health Division.

**Monitoring Items W1 through W3:** The Planning and Building Department shall verify compliance in consultation with the Department of Environmental Health and Environmental Coordinator.

*The applicant understands that any changes made to the project subsequent to this environmental determination must be reviewed by the Environmental Coordinator and may require a new environmental determination for the project. By signing this agreement, the owner(s) agrees to and accepts the incorporation of the above measures into the proposed project description.*

Signature of Owner(s)

Date

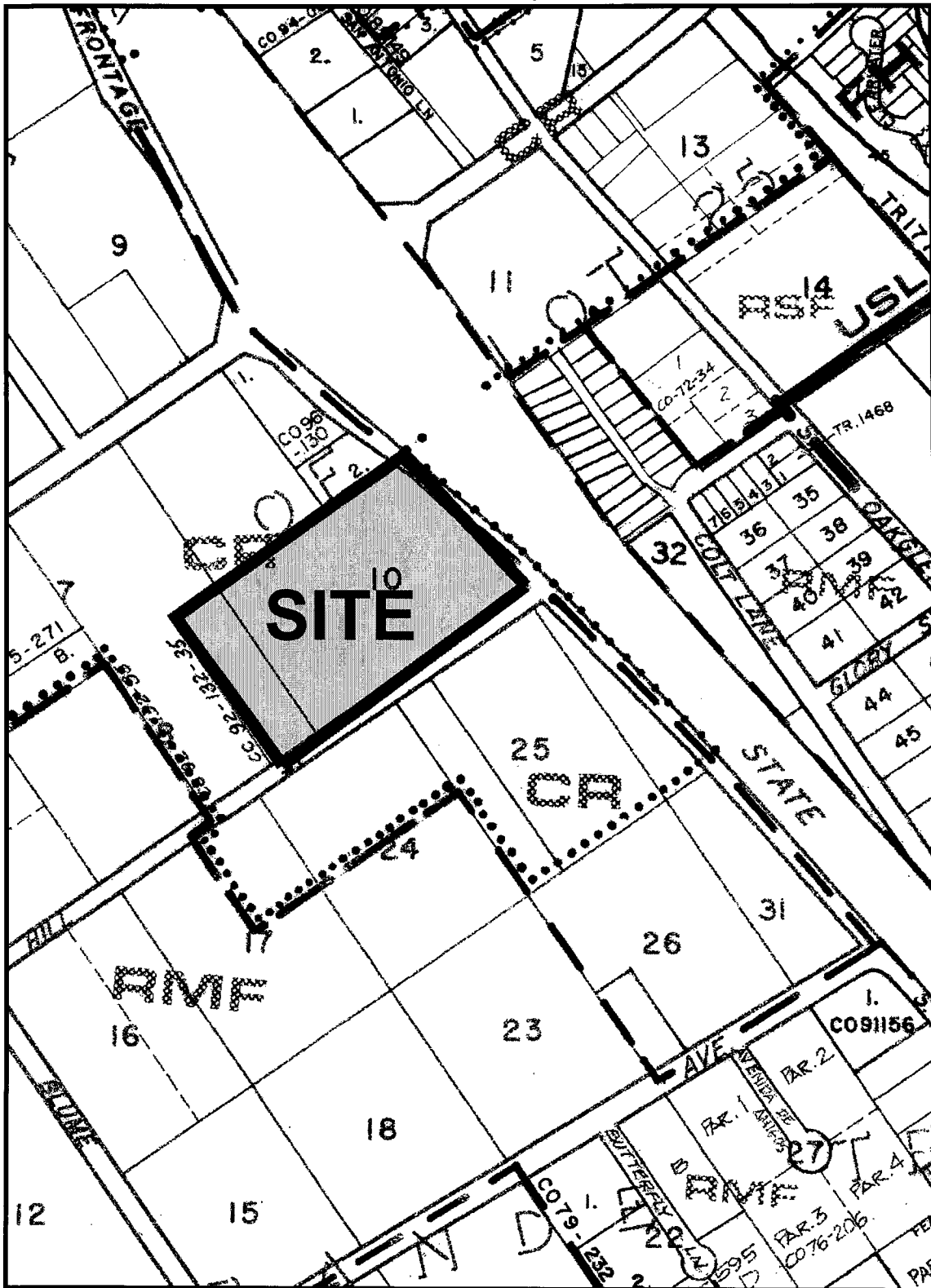
Edward Shapiro

Name (Print)



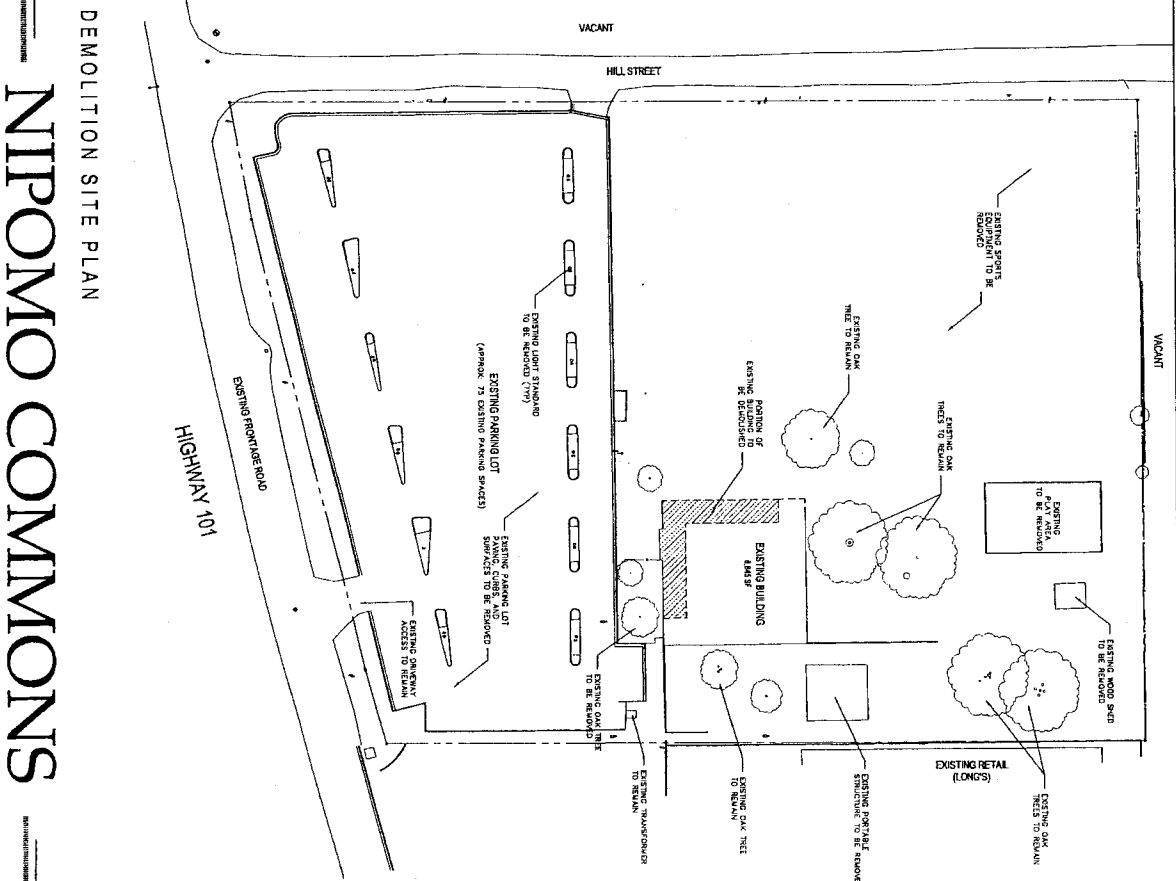


6-58



Land Use Category Map  
Shapiro - Tract 2611 - SUB 2004-00169

6-59



1" = 40'-0"



SHEET TITLE: DEMOLITION SITE PLAN

PLOT DATE: MARCH 3, 2005  
PURPOSE: PLANNED DEVELOPMENT

PROJECT NUMBER: R03336  
BLDG DEPT / APPL. NO.: DR0204 - 00064

CLIENT: NIPOMO COMMONS, LLC  
500 CHIDERO WAY  
NIPOMO, CA

# DEMOLITION SITE PLAN

## NIPOMO COMMONS

### NIPOMO, CA



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ARCHITECTS  
11111 SUTTER BLVD., SUITE 200  
SAN FRANCISCO, CA 94133  
(415) 341-1111 (FAX) (415) 341-1111 E: info@rearl.com

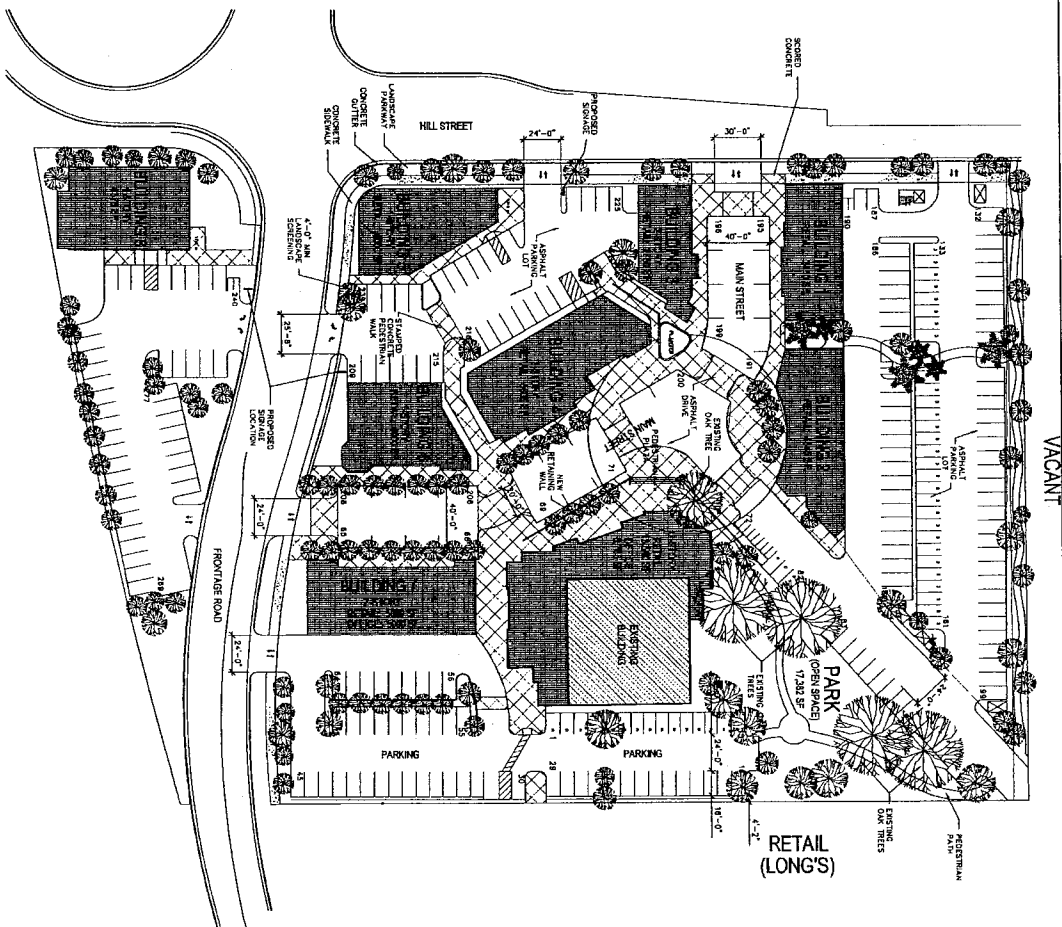
PD - 2

ORIGINAL SCALE IN INCHES FOR REDUCED PLANS

**CLIENT:** NIPOMO COMMONS, LLC  
570 CHORRO WAY  
NIPOMO, CA

NIPOMO COMMONS  
NIPOMO, CA  
NIPOMO, LLC

## CONCEPTUAL SITE PLAN



## Site Summary

APR	201-159-753	CR - CHEMICAL, RETAIL
Lead Zircon		
Adhesive 100	1000	1000
Adhesive 500	5000	5000
Adhesive 1000	10000	10000
Adhesive 2000	20000	20000
Adhesive 3000	30000	30000
Adhesive 4000	40000	40000
Adhesive 5000	50000	50000
Adhesive 6000	60000	60000
Adhesive 7000	70000	70000
Adhesive 8000	80000	80000
Adhesive 9000	90000	90000
Adhesive 10000	100000	100000
Adhesive 11000	110000	110000
Adhesive 12000	120000	120000
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Adhesive 31000	310000	310000
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Adhesive 83000	830000	830000
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Adhesive 86000	860000	860000
Adhesive 87000	870000	870000
Adhesive 88000	880000	880000

## PROJECT STATISTICS

TOTAL OFFICE SF:	11,785 SF
TOTAL RETAIL SF:	42,646 SF
TOTAL RESTAURANT SF:	4,375 SF
TOTAL LIVE/WORK UNITS:	51 UNITS @ APPROX. 1200 SF

## PARKING STATISTICS

RETAIL	17,265 OFFICE SF @ 1/2500 =	69 SPACES REQUIRED
4,260 HOME	57 @ 1/2500 = <td>23 SPACES REQUIRED</td>	23 SPACES REQUIRED
10,000 UIC/RENTAL	40 @ 1/2500 = <td>16 SPACES REQUIRED</td>	16 SPACES REQUIRED
10,000 OFFICE	40 @ 1/2500 = <td>16 SPACES REQUIRED</td>	16 SPACES REQUIRED
RESTAURANT	150 SF @ 1/2500 = <td>6 SPACES REQUIRED</td>	6 SPACES REQUIRED
OUTDOOR AREA		
3000 OFFICE AREA		
1500 SF @ 1/2500 =		
WIDENING AREA		
200 SF @ 1/2500 =		
	2.68 SPACES	
	41 SPACES	

Category	Rate
TOTAL PARKING REQUIRED:	332 SPACES REQUIRED
SHARED PARKING ADJUTANT (-5% PER DIFFERENT NON-RESIDENTIAL USE)	15% REDUCTION

TOTAL PARKING PROVIDED:	212 SPACES
STANDARD PARKING SPACES PROVIDED:	58 SPACES (282 - 20% = 56 MAX. OK)
COMPACT PARKING SPACES PROVIDED:	14 SPACES (282 / 20 = 14 MAX. OK)
MOTORCYCLE PARKING SPACES PROVIDED:	
TOTAL PARKING PROVIDED:	262 SPACES PROVIDED

OPEN SPACE:	
OPEN SPACE REQUIRED:	11,475 SF REQUIRED
225 SF PER UNIT @ 51 UNITS	
OPEN SPACE PROVIDED:	
PARK 57:	17,362 SF PROVIDED

$$T^m = 40^\circ\text{C}$$


**R2I**  
ARCHITECTS

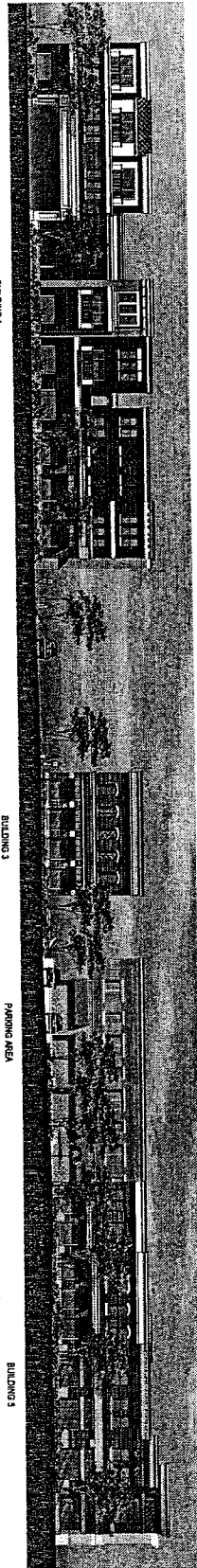
**REA RICHMOND LUKER**  
444 NICHOLS, SUITE 200 SAN LOUIS 63130, CA 93401  
T: (605) 541-8284 E: (800) 341-2739 E: [rea@rluker.com](mailto:rea@rluker.com)

PD - 3

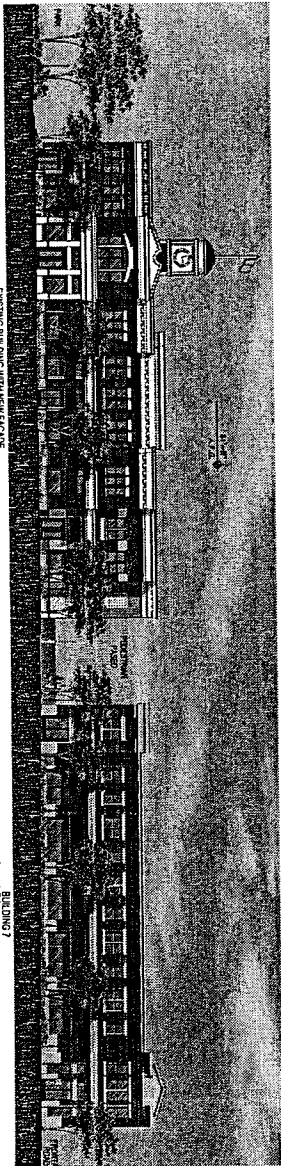
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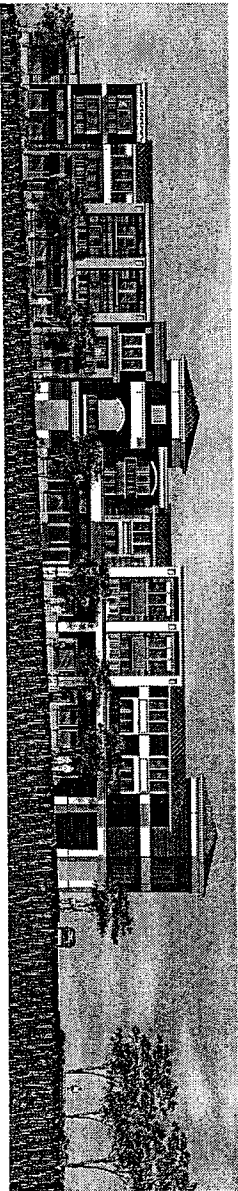
FRONTAGE ROAD ELEVATION - SITE SECTION 'A'



HILL STREET ELEVATION - SITE SECTION 'B'



MAIN STREET ELEVATION - SITE SECTION 'C'



BUILDING 1

BUILDING 2

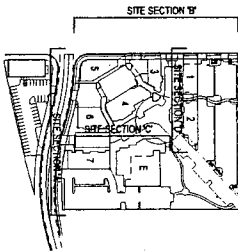
BUILDING 3

BUILDING 4

BUILDING 5

BUILDING 6

BUILDING 7



KEY PLAN:

# MAIN STREET ELEVATION - SITE SECTION 'D' NIPOMO COMMONS NIPOMO, CA

SHEET TITLE: BUILDING ELEVATION/  
SITE SECTION  
PLOT DATE: MARCH 3, 2005  
PURPOSE: PLANNED DEVELOPMENT  
PROJECT NUMBER: R0336  
BLDG DEPT. / APL. NO.: DRC004 - 0004

CLIENT: NIPOMO COMMONS, LLC  
370 CHORRO WAY  
NIPOMO, CA

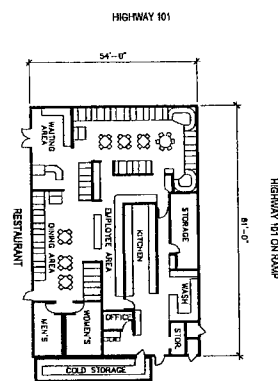


R.A. RICHMOND LUCKER  
ARCHITECTS

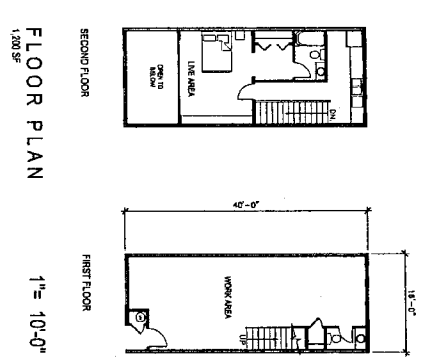
1001 WILSON AVENUE, SUITE 200, SAN LUIS OBISPO, CA 93401  
TEL: (805) 741-1111 FAX: (805) 741-2111  
WWW.RALRICHMONDLUCKER.COM

PD - 4

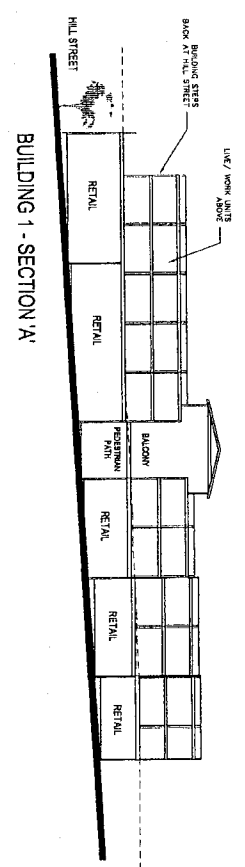
6.62



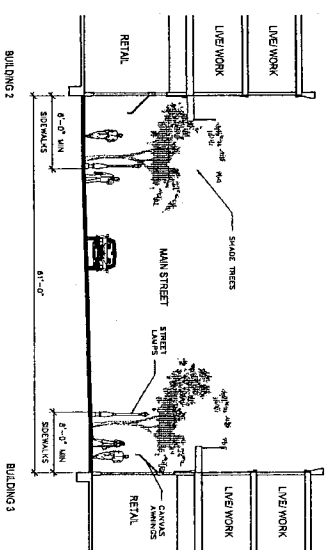
BUILDING 8 - RESTAURANT  
4,375 SF.



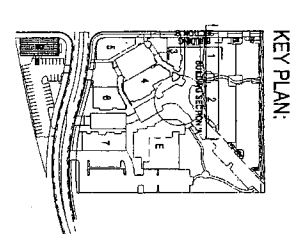
FLOOR PLAN  
1,200 SF



BUILDING 1 - SECTION 'A'



BUILDING 2 AND 3 - SECTION 'B'



KEY PLAN:

# NIPOMO COMMONS

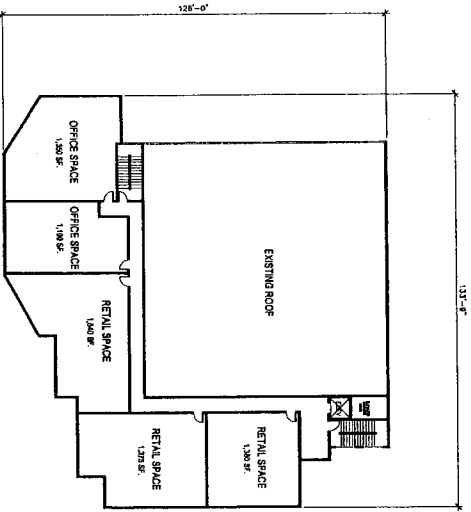
## NIPOMO, CA

SHEET TITLE: BUILDING PLANS  
BUILDING SECTIONS  
PLOT DATE: MARCH 1, 2005  
PURPOSE: PLANNED DEVELOPMENT  
CLIENT: NIPOMO COMMONS, LLC  
570 CHOROWAY  
NIPOMO, CA  
PROJECT NUMBER: R0336  
BUDG DEPT. / APT. NO.: DRC004 - 00084

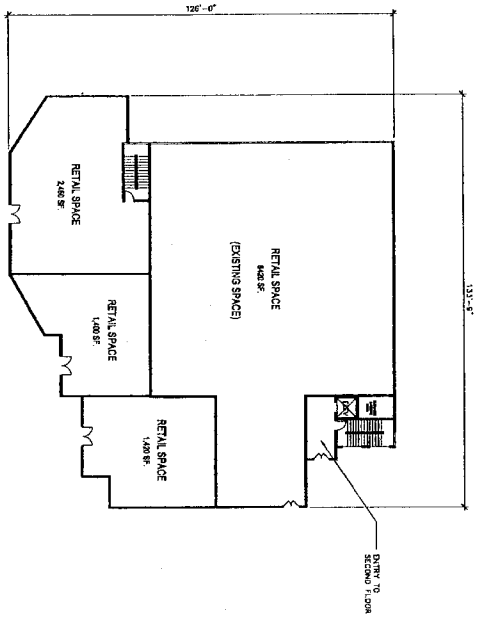


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(415) 541-7214 (415) 541-7215  
www.reaarchitects.com

6-63



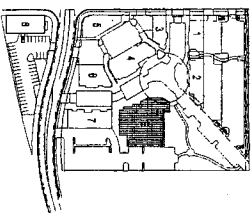
EXISTING BUILDING - 2ND FLOOR PLAN  
(PHASE 1)



EXISTING BUILDING - 1ST FLOOR PLAN  
(PHASE 1)

REMODELED EXISTING  
BUILDING SUMMARY:  
RETAIL SPACE: 13,100 SF.  
OFFICE SF: 2,760 SF.

KEY PLAN:



EXISTING BUILDING REMODEL - FLOOR PLANS

1" = 20'-0"

NIPOMO COMMONS  
NIPOMO, CA

SHEET TITLE: EXISTING BUILDING REMODEL - FLOOR PLANS  
(PHASE 1)  
PLOT DATE: MARCH 13, 2003  
PURPOSE: PLANNED DEVELOPMENT  
CLIENT: NIPOMO COMMONS, LLC  
NIPOMO, CA  
PROJECT NUMBER: R0336  
BLDG DEPT. / APPL. NO.: DRC2004 - 0084



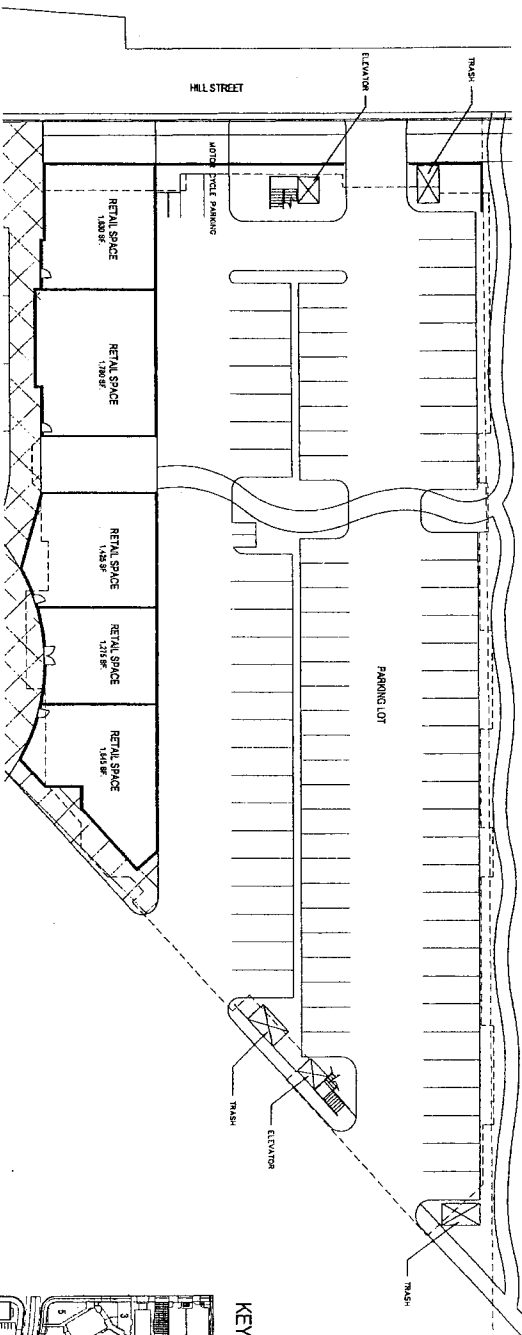
REA RICHMOND LUKER  
ARCHITECTS  
11111 JEFFERSON AVENUE, SUITE 100  
REDWOOD CITY, CA 94061  
(650) 341-1111 (FAX) 650-341-1112  
REA, RICHMOND AND LUKER, ARCHITECTS, LLP

PD - 6

[illegible]

**BUILDING STATISTICS**

BUILDING 1 RETAIL SF:	3,800 SF
BUILDING 2 RETAIL SF:	4,125 SF
TOTAL UNITS @ 1200 SF:	42 UNITS



## KEY PLAN

BUILDING 1 AND 2 - FLOOR PLANS

$$1'' = 20' - 0''$$

## NIPOMO COMMONS

NIPOMO, CA

**SHEET TITLE: BUILDING 1 AND 2 - FLOOR PLANS**

PLOT DATE: MARCH 3, 2005  
PURPOSE: PLANNED DEVELOPMENT

CLIENT: NIPOMO COMMONS, LLC  
570 CHORRO WAY  
NIPOMO, CA

PROJECT NUMBER: R03336  
BLDG DEPT. / APPL. NO.: DRC2004 - 00084

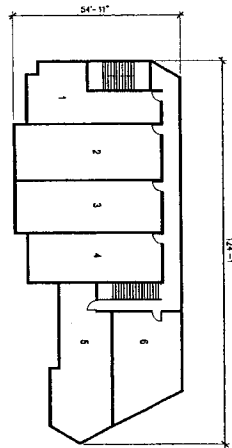
**REA RICHMOND LUKER**  
444 HIGHERA, SUITE 200 SAN LEUIS OBISPO, CA 94061  
(805) 541-4284 F:(805) 541-1773 E:info@realluker.com  
REA, RICHMOND AND LUKER, ARCHITECTS, LLP



PD-7

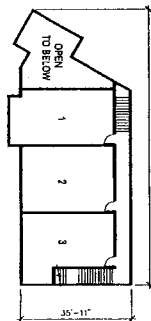


6-65



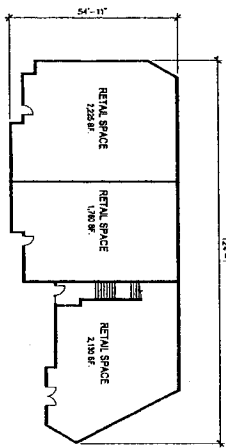
**BUILDING 4 SUMMARY:**  
 RETAIL SPACE: 5,500 SF  
 RESIDENTIAL UNITS: 4,720 SF

BUILDING 4 - 2ND FLOOR PLAN

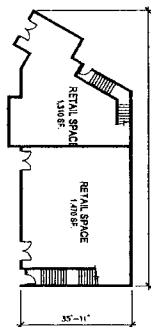


**BUILDING 3 SUMMARY:**  
 RETAIL SPACE: 2,750 SF  
 RESIDENTIAL UNITS: 1,200 SF

BUILDING 3 - 2ND FLOOR PLAN



BUILDING 4 - 1ST FLOOR PLAN



BUILDING 3 - 1ST FLOOR PLAN

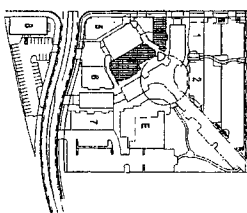
BUILDING 3 AND 4 - FLOOR PLANS

NIPOMO COMMONS

NIPOMO, CA

SHEET TITLE: BUILDING 3 AND 4 - FLOOR PLANS  
 PLOT DATE: MARCH 3, 2008  
 PROJECT NUMBER: R0336  
 PROJECT NAME: NIPOMO COMMONS, LLC  
 PROJECT ADDRESS: 390 CHORRO WAY  
 NIPOMO, CA

1" = 20'-0"



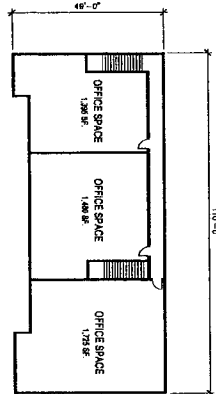
KEY PLAN



REA RICHMOND LUKER

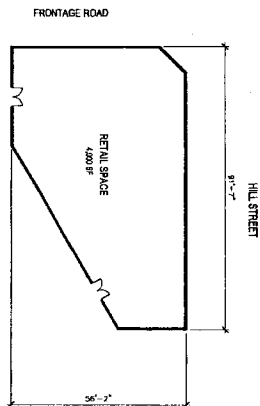
PD - 8

6.66



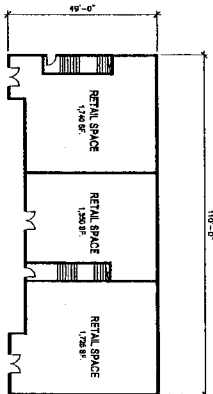
BUILDING 7 - 2ND FLOOR PLAN

**BUILDING 7 SUMMARY:**  
 RETAIL SPACE: 5,000 SF  
 OFFICE SPACE: 4,600 SF

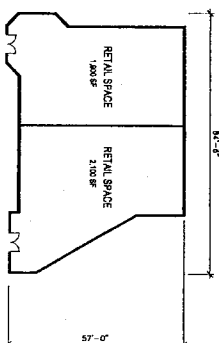


BUILDING 5 - 1ST FLOOR PLAN

**BUILDING 5 SUMMARY:**  
 RETAIL SPACE: 4,000 SF



BUILDING 7 - 1ST FLOOR PLAN



BUILDING 6 - 1ST FLOOR PLAN

**BUILDING 6 SUMMARY:**  
 RETAIL SPACE: 4,000 SF

BUILDING 5, 6, AND 7 - FLOOR PLANS

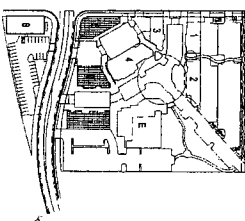
NIPOMO COMMONS

NIPOMO, CA

SHEET TITLE: BUILDING 5, 6, AND 7 - FLOOR PLANS  
 PROJECT DATE: MARCH 3, 2003  
 PURPOSE: PLANNED DEVELOPMENT  
 PROJECT NUMBER: R03356  
 BUILDING DEPT. / APPL. NO.: DRCD04 - 00064

CLIENT: NIPOMO COMMONS, LLC  
 5700 MONROVAY  
 NIPOMO, CA

1" = 20'-0"



KEY PLAN:



R&A RICHMOND LUKER  
 444 RICHMOND, SUITE 20 SAN LEANDRO, CA 94581  
 (415) 341-1144 (415) 341-3710 Fax: (415) 341-3710

PD - 9

6-67

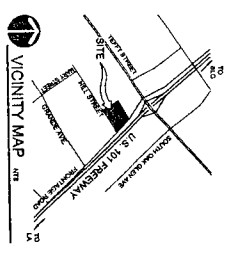
1224 OR 280

PTN. LOT 7  
A MB 19

PARCEL 1  
55 PM 83

PARCEL 2  
55 PM 83

PARCEL B  
27 PM 17

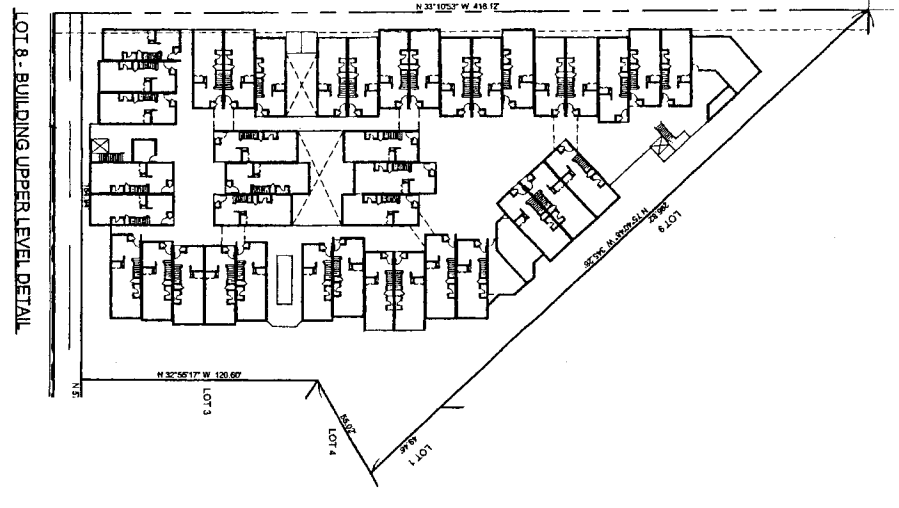
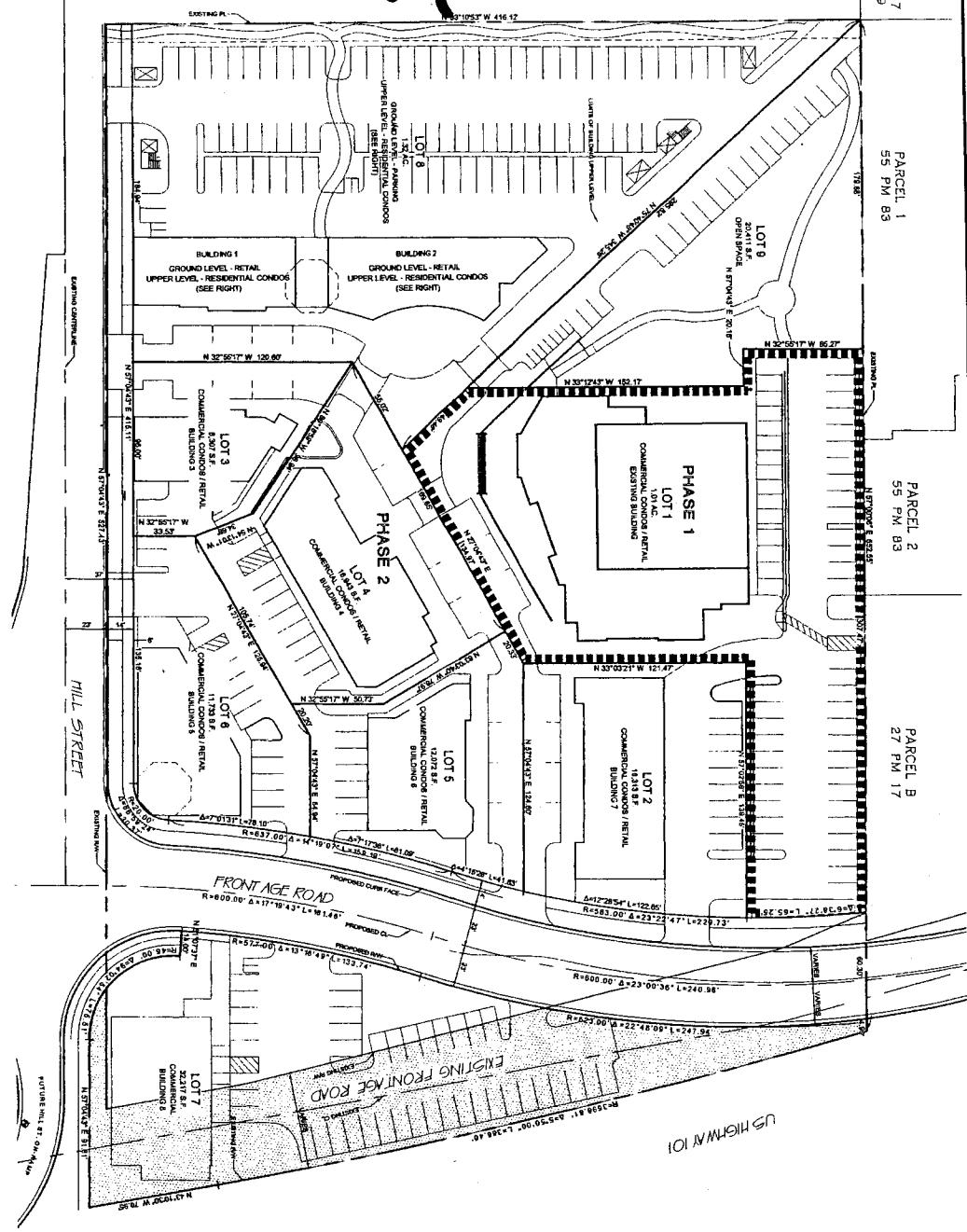
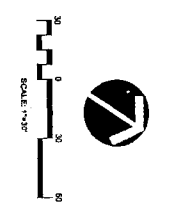


- PROJECT DATA**
1. PROJECT ADDRESS: 1224 OR 280
  2. PROJECT SIZE: 12.24 AC
  3. ZONING: C-2
  4. COMMUNITY DESIGNATION: NIPOMO COMMONS
  5. WATER SUPPLY: GWS
  6. GAS: GWS
  7. ELEVATION: 100
  8. FLOOD HAZARD: NONE
  9. PROJECT OWNER: NIPOMO COMMONS
  10. PROJECT ARCHITECT: NIPOMO COMMONS
  11. PROJECT ENGINEER: NIPOMO COMMONS
  12. PROJECT DATE: 12/18/17

- LEGEND**
- BOUNDARY
  - PROPOSED LOT LINE
  - EXISTING LOT OR WAY
  - AREA OF ROAD RIGHT-OF-WAY
  - PHASE 1 BOUNDARY

**PHASE AND AREA DATA**

PHASE	LOT #	AREA	EXISTING	PROPOSED	USE
PHASE 1	1	1.01 AC	1.01 AC	1.01 AC	COMMERCIAL CONDO / RETAIL
	2	1.01 AC	1.01 AC	1.01 AC	COMMERCIAL CONDO / RETAIL
	3	1.01 AC	1.01 AC	1.01 AC	COMMERCIAL CONDO / RETAIL
PHASE 2	4	1.01 AC	1.01 AC	1.01 AC	COMMERCIAL CONDO / RETAIL
	5	1.01 AC	1.01 AC	1.01 AC	COMMERCIAL CONDO / RETAIL
	6	1.01 AC	1.01 AC	1.01 AC	COMMERCIAL CONDO / RETAIL



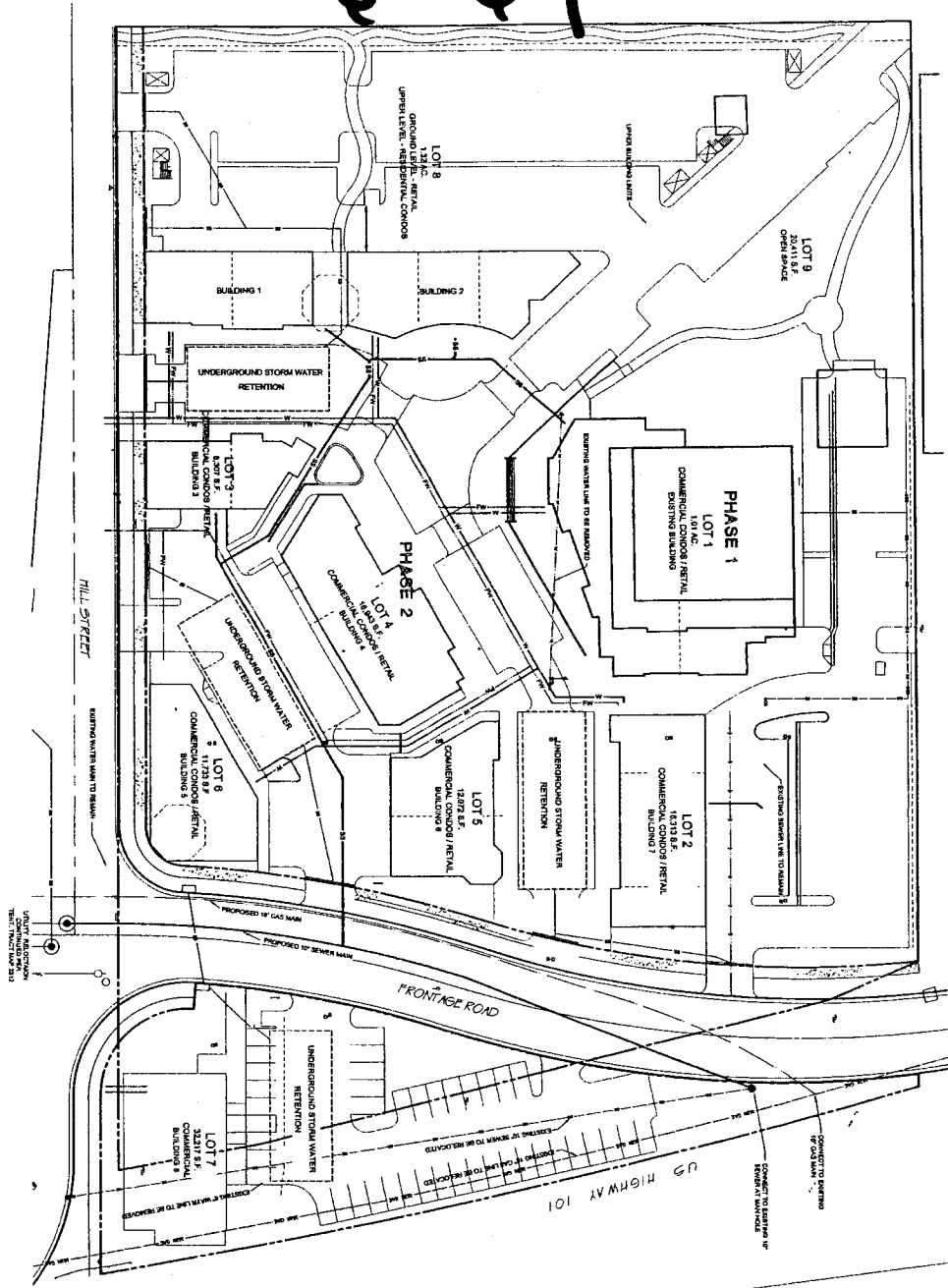
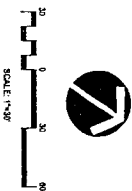
VESTING TENTATIVE TRACT 2611  
FOR  
NIPOMO COMMONS

IN THE UNINCORPORATED TERRITORY OF THE  
COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA  
BEING A SUBDIVISION OF LOT 25 OF A-1-C, MAPS DIVISION OF THE NIPOMO  
RANCH, ACCORDING TO MAP RECORDED NOVEMBER 12, 1987 IN BOOK A OF MAPS AT  
PAGE 18, IN THE OFFICE OF THE COUNTY RECORDER OF SAN LUIS OBISPO

PREPARED BY:  
eda  
1000 S. Highway 101, Suite 100, San Luis Obispo, CA 93401  
TEL: (805) 481-1234  
FAX: (805) 481-1235  
WWW.EDA-CALIF.COM



6-69



# LEGEND

- BOUNDARY
- ROW
- BIKEWAY
- EXIST. CURB AND GUTTER
- NEW CURB AND GUTTER
- EXIST. BUILDING ENVELOPE
- NEW BUILDING ENVELOPE
- CONCRETE CURB
- PAVEMENT STRIPING
- EXIST. WATER LINE
- EXIST. SEWER LINE
- EXIST. STORM DRAIN
- EXIST. CHAIN LINK FENCE
- GRADE BREAK
- EXIST. WALL
- EXIST. STORM DRAIN
- EXIST. ELECTRICAL VAULT
- EXIST. LIGHT
- EXIST. STREET CLOAMOT
- EXIST. TREE

# PROJECT DATA

1. PROJECT ADDRESS: 175 SOUTH BERRY AVE ROAD, NIPOMO, CA 93444
2. TRACT SIZE: 62.4 ACRES (APPROX)
3. ZONING: RESIDENTIAL LOT 100
4. EXISTING UTILITIES: WATER, SEWER, GAS, ELECTRICAL, RETAIL
5. COMMUNITY DEVELOPMENT: NIPOMO COMMUNITY SERVICES DISTRICT
6. WATER SUPPLY: NIPOMO COMMUNITY SERVICES DISTRICT
7. SEWERAGE: NIPOMO COMMUNITY SERVICES DISTRICT
8. ELECTRICAL: NIPOMO COMMUNITY SERVICES DISTRICT
9. FLOOD HAZARD: NONE

# PRELIMINARY UTILITY PLAN TRACT 2611 NIPOMO COMMONS

RESIDENTIAL AND COMMERCIAL CONDOS / RETAIL / OFFICE SPACE  
IN THE UNINCORPORATED TERRITORY OF THE  
COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA  
THE WESTERN PART OF LOT 16 OF 1/4 SECTION 34, T4S, R11E, S12E, SAN LUIS OBISPO  
RANCHO, ACCORDING TO MAP RECORDED NOVEMBER 12, 1987 IN BOOK A OF MAPS AT  
PAGE 19, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY

PREPARED BY:  
eda  
570 Chemo Way  
Nipomo, CA 93444  
Contact Person:  
David L. Edwards  
REL Architects  
(805) 541-4234  
eda@relarchitects.com  
1000 West Broadway, Suite 100, San Luis Obispo, CA 93401  
TEL: (805) 541-4234 FAX: (805) 541-4234

[illegible]

6-71



PHOTOMETRIC CALCULATION  
SCALE: 1" = 30'-0"  
NORTH

LUMINAIRE SCHEDULE					
Symbol	Light	Qty	Color	Manufacturer	Notes
⊙	81	21	AMERICAN STREET LIGHT	AMERICAN STREET LIGHT	ONE TRUNK COULDED HORIZONTAL POSITION
⊙	82	17	AMERICAN STREET LIGHT	AMERICAN STREET LIGHT	ONE TRUNK COULDED HORIZONTAL POSITION
⊙	83	7	AMERICAN STREET LIGHT	AMERICAN STREET LIGHT	ONE TRUNK COULDED HORIZONTAL POSITION
⊙	84	1	AMERICAN STREET LIGHT	AMERICAN STREET LIGHT	ONE TRUNK COULDED HORIZONTAL POSITION
⊙	85	1	AMERICAN STREET LIGHT	AMERICAN STREET LIGHT	ONE TRUNK COULDED HORIZONTAL POSITION
⊙	86	1	AMERICAN STREET LIGHT	AMERICAN STREET LIGHT	ONE TRUNK COULDED HORIZONTAL POSITION
⊙	87	1	AMERICAN STREET LIGHT	AMERICAN STREET LIGHT	ONE TRUNK COULDED HORIZONTAL POSITION
⊙	88	1	AMERICAN STREET LIGHT	AMERICAN STREET LIGHT	ONE TRUNK COULDED HORIZONTAL POSITION
⊙	89	1	AMERICAN STREET LIGHT	AMERICAN STREET LIGHT	ONE TRUNK COULDED HORIZONTAL POSITION
⊙	90	1	AMERICAN STREET LIGHT	AMERICAN STREET LIGHT	ONE TRUNK COULDED HORIZONTAL POSITION
⊙	91	1	AMERICAN STREET LIGHT	AMERICAN STREET LIGHT	ONE TRUNK COULDED HORIZONTAL POSITION
⊙	92	1	AMERICAN STREET LIGHT	AMERICAN STREET LIGHT	ONE TRUNK COULDED HORIZONTAL POSITION
⊙	93	1	AMERICAN STREET LIGHT	AMERICAN STREET LIGHT	ONE TRUNK COULDED HORIZONTAL POSITION
⊙	94	1	AMERICAN STREET LIGHT	AMERICAN STREET LIGHT	ONE TRUNK COULDED HORIZONTAL POSITION
⊙	95	1	AMERICAN STREET LIGHT	AMERICAN STREET LIGHT	ONE TRUNK COULDED HORIZONTAL POSITION
⊙	96	1	AMERICAN STREET LIGHT	AMERICAN STREET LIGHT	ONE TRUNK COULDED HORIZONTAL POSITION
⊙	97	1	AMERICAN STREET LIGHT	AMERICAN STREET LIGHT	ONE TRUNK COULDED HORIZONTAL POSITION
⊙	98	1	AMERICAN STREET LIGHT	AMERICAN STREET LIGHT	ONE TRUNK COULDED HORIZONTAL POSITION
⊙	99	1	AMERICAN STREET LIGHT	AMERICAN STREET LIGHT	ONE TRUNK COULDED HORIZONTAL POSITION
⊙	100	1	AMERICAN STREET LIGHT	AMERICAN STREET LIGHT	ONE TRUNK COULDED HORIZONTAL POSITION

STATISTICS			
Direction	Avg	Max	Min
EAST	14.6	31.8	0.1%
WEST	13.6	42.8	0.0%

FIXTURE LEGEND			
TYPE	ILLUSTRATION	TYPE	ILLUSTRATION
S1		S2	
S3		WM1	

**R<sup>2</sup> ARCHITECTS**  
REA RICHMOND LUKER  
444 BROADWAY, SUITE 100, NEW YORK, NY 10013  
(212) 691-1100 FAX (212) 691-1101  
REA, RICHMOND AND LUKER, ARCHITECTS, LLP

**Thomas**  
ARCHITECTS  
10707  
NEW YORK, NY 10013

**NIPOMO COMMONS LIGHTING STUDY**  
170 SOUTH FRONTAGE ROAD  
NIPOMO, CA  
ED SHAPIRO  
570 CHORNO WAY  
NIPOMO, CA

**SITE PLAN PHOTOMETRICS**  
RUM REP. No./APPLICATION No. 1

**READ THIS FIRST**  
This document is a site plan photometric calculation. It is intended to provide a visual representation of the lighting levels on the site. It is not a substitute for a professional lighting design. The lighting levels are based on the assumptions made in the calculation. The lighting levels are not a guarantee of the actual lighting levels. The lighting levels are not a guarantee of the actual lighting levels. The lighting levels are not a guarantee of the actual lighting levels.

**PROJECT NUMBER** R03336  
**SHEET NUMBER** E-10  
**DATE** 11/10/00  
**SCALE** 1" = 30'-0"



# County of San Luis Obispo • Public Health Department

6-72

## *Environmental Health Services*

2156 Sierra Way • P.O. Box 1489  
San Luis Obispo, California 93406  
(805) 781-5544 • FAX: (805) 781-4211

*Gregory Thomas, M.D., M.P.H.*  
*County Health Officer*  
*Public Health Director*

*Curtis A. Batson, R.E.H.S.*  
*Director*

June 29, 2005

R2L Architects  
444 Higuera, Suite 201  
San Luis Obispo, CA 93401

**ATTN: ROBERT RICHMOND**  
**RE: TENTATIVE TRACT MAP 2611/S.R. 5184 (SHAPIRO)**

### Water Supply and Wastewater Disposal

This office is in receipt of a **preliminary** will serve letter from the Nipomo Community Services District to provide water and sewer services to the above noted tract map. Be advised that a final will serve letter and a full size map will be required prior to final recordation. Water and sewer improvements shall be built to each parcel or a bond can be placed with the county to perform the work at a later date. The bond must be reviewed and approved prior to recordation of the map.

**TRACT 2611** is approved for Health Agency subdivision map processing.

*Laurie A. Salo*

LAURIE A. SALO, R.E.H.S.  
Senior Environmental Health Specialist  
Land Use Section

c Kami Griffin, County Planning  
South County Team, County Planning  
NCSD  
Ed Shapiro, Owner



**AGENDA ITEM  
E-5  
NOVEMBER 17, 2004**

**Consider service request for a mixed-use development at Hill Street and Frontage Road  
(Former Nipomo Recreation Center)**

Application for sewer and water service to Tract 2611 was originally received on June 21, 2004, and placed on the waiting list pending Board adoption of the new service ordinance. The applicant, Ed Shapiro, re-applied for service under the new application procedure on October 27, 2004. The property is currently served with District water and sewer based on previous use (Nipomo Recreation Center).

Tract 2611 is envisioned as a mixed-use (commercial and residential) development. Applicant requests sewer and water service to the entire project including fifty-one (51) "office condominiums". These units are more accurately described as office space that includes a "studio" that may be used for residential purposes.

A conservative water allotment (considering all 61 units to be residential) for the project is 9.2 acre-feet (51 X .18). The annual allotment of water for the multi-family category is 10.2 acre feet, therefore, this project exceeds the twenty percent (20%) single project limitation and would require phasing under the new allocation ordinance. A strict application of the "20%" rule would require phasing allocation for this project over 4.5 years.

However, this project is not subject to the 2004-2005 water year allocation limit of 51 acre-feet. Additionally, restricting water allocation for the residential component of this mixed-use project may encourage the applicant to propose additional commercial units in lieu of residential. While commercial projects remain exempt from the District's current water allocation policy, actual water use by commercial projects can be substantial. Further, it is staff's experience that multi-family dwellings (single dwellings under a common roof and with common grounds), as proposed in this project, are the most water frugal type of dwelling unit. Finally, complex commercial and mixed-use projects of this nature undergo significant changes during the review and approval process.

In consideration of the above factors, staff proposes adding an additional condition to the Intent-to-Serve letter for this project that requires written approval by the General Manager for project changes that will result in a 10% or more increase in residential water demand of the project. Additionally, your Honorable Board may want to consider allocation phasing for the project.

A complete Water Demand Certification is included with application. The applicant filed an application for the project with the County of San Luis Obispo on September 30, 2014. The proposed project does not exceed residential density limits of the South County Area Plan, Inland, May 2002.

SERVICE REQUEST TRACT 2611  
NOVEMBER 17, 2004

PAGE 2

6-74

### RECOMMENDATION

Staff recommends your Honorable Board direct staff to issue an Intent-to-Serve letter for the project with the following conditions:

- This project shall obtain sewer and water service for all units, existing and planned.
- Changes to the project that result in a 10% (1 acre foot) or more increase in residential water demand of the project, must be approved in writing by the General Manager.
- Enter into a Plan Check and Inspection Agreement.
- Submit improvement plans in accordance with the District Standards and Specifications for review and approval.
- Pay all appropriate District fees associated with this development.
- Construct the improvements required and submit the following:
  - o Reproducible "As Builts" - A mylar copy and digital format disk (Auto Cad) which includes engineer, developer, tract number and water and sewer improvements
  - o Offer of Dedication
  - o Engineer's Certification
  - o A summary of all water and sewer improvement costs
- Install and pay fees for separate fire service, if CDF requires on-site fire protection.
- Comply with District water conservation program.
- Intent-to-Serve Letters shall automatically terminate on the first to occur:
  - o Failure of the applicant to provide District with written verification that County application for the project has been deemed complete within two hundred forty (240) calendar days of the date the Intent-to-Serve Letter is issued; or
  - o Two (2) years. However, applicant shall be entitled to a one year extension upon proof of reasonable due diligence in processing the project.

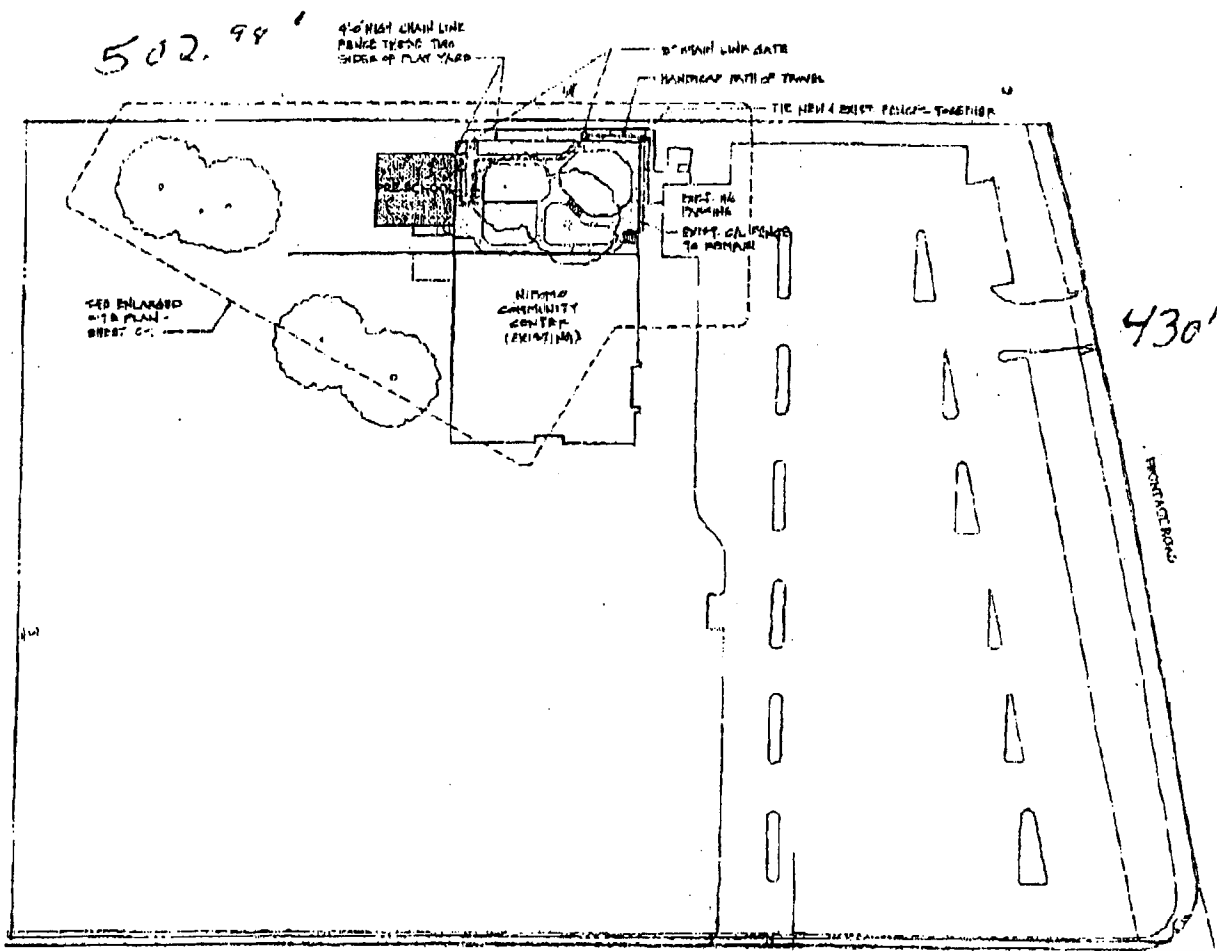
### ATTACHMENT

Plot plan for project site

# Nipomo Community Center

## SITE PLAN

6-75



### Land

5.41 acres of land (235,660 sq. ft.)

### Building

Ground floor 9,594 sq. ft.  
 Second floor 945 sq. ft.  
 Total finished area 9,539 sq. ft.

Second floor attic storage = 256 sq. ft.  
 (covered porches = 102 sq. ft.)

P.S.

BOS 473 2753

HLHM R E INV

don to us 12:04P

## DEPARTMENT OF TRANSPORTATION

50 HIGUERA STREET  
SAN LUIS OBISPO, CA 93401-5415  
PHONE (805) 549-3111  
FAX (805) 549-3329  
TDD (805) 549-3259  
<http://www.dot.gov/dist05>



*Flex your power!  
Be energy efficient!*

6-76

December 27, 2004

SLO - 101 PM 4.85  
Nipomo Commons  
Development Plan and  
Minor Use Permit (MUP)

New Project Referral

South County Team  
San Luis Obispo County  
Department of Planning & Building  
County Government Center  
San Luis Obispo, CA. 93408

Dear South County Team:

Thank you for submitting the Nipomo Commons Development Plan/MUP - New Project Referral to The California Department of Transportation (Department) for our review. Development Review has the following comments regarding this project.

District 5 Development Review continues to be dismayed at the ongoing development proposals (e.g. Nipomo Center & Nipomo Village among others) being considered by the County in and around the immediate vicinity of the U.S. Route 101/Teft Street Interchange (I/C). Along with these large development proposals in the area, this project is scoped to include 11,995 sq. ft. office space, 43,975 sq. ft. in retail, a restaurant and 50 residential units.

Past Traffic Impact studies have demonstrated that the 101/Teft Street I/C is operating at Level of Service (LOS) "F" in the AM peak hour. The previous development proposals mentioned above did not include Traffic Impact Studies (TIS) that would have disclosed their project-generated impacts, but are seeking building entitlements as Vesting Tentative Tract Maps.

The County appears to be laboring under the assumption that the relocation of the southbound 101/Teft Street on-ramp and the 101/Willow Street I/C and Extension will solve all the congestion problems that currently exist at this location on the Nipomo Mesa.

RECEIVED

DEC 29 2004

Planning & Bldg

6-77

The Department needs to **emphatically remind** the County that a Project Study Report (PSR) has not even commenced yet on the proposition of relocating the 101/Teft Street SB ramps south of their present location - off of the frontage road. To presuppose the outcome of the PSR effort is to engage in the most pernicious type of speculation. The granting of a new Freeway connection is one of the most scrutinized and problematic proposals the Department undertakes and yet private development plans are being drawn to accommodate the new connection as if it already exists. This is aside from the fact that the new development will add project-generated traffic that will further seriously degrade an already overwhelmed California State Transportation facility at 101/Teft Street. The current citizens of the Nipomo Mesa will experience the immediate detrimental effects of added traffic at the I/C, and will no doubt be vocal in expressing their resentment.

The County needs to have each of the individual project proponents prepare a traffic impact study for their respective developments. At the same time, the County needs to initiate the PSR process in order to document initial agreement on scope, schedule and costs associated with a "solution" at the 101/Tefts Street I/C. Please contact Ms. Sarah Chesebro, Branch Chief for Advance Planning/Travel Modeling & Forecasting/Programming at (549-3640) for more information on initiating the Department's PSR process.

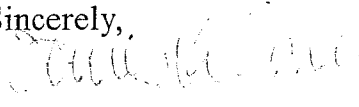
Timing appears to be a key issue here regarding Nipomo Mesa development/traffic and the anticipated improvements at both the SB 101/Teft Street on-ramps and at the Willow Road Interchange/Extension. Best estimates for at least a partially constructed interchange and extension at 101/Willow Road are slated for the approximate date of 2011. The 101/Teft Street (ramp?) improvement proposal hasn't even proceeded through the PSR process yet. Further complicating matters is the fact that funding for either of these State highway improvement projects has not been guaranteed. The previously mentioned private development projects will in all likelihood be completed prior to the highway improvement projects.

At the very least, the County must not presuppose a solution at the 101/Teft Street I/C, specifically at the SB on-ramp in lieu of a PSR. The Department has not agreed upon any interim solutions at that location. To assume otherwise invites foreseeable trouble.

6-78

Again, thank you for the opportunity to comment on the Nipomo Commons Development Plan. If you have any questions, please contact me at 549-3683.

Sincerely,

  
James Kilmer  
District 5  
Development Review/CEQA Coordination

c: File, D. Murray, R. Barnes, S. Chesebro, T. Houston, P. McClintic, D. Ramey – SLO  
County Public Works, D. Flynn, SLO County Public Works



AIR POLLUTION  
CONTROL DISTRICT  
COUNTY OF SAN LUIS OBISPO

6-79

DATE: October 28, 2004

TO: South County Team  
San Luis Obispo County Department of Planning and Building

FROM: Melissa Guise *MG*  
San Luis Obispo County Air Pollution Control District

SUBJECT: Nipomo Commons (DRC 2004-00084) *SUB 2004-00169*

Thank you for including the APCD in the environmental review process. We have completed our review of the proposed project located at 170 South Frontage Road in Nipomo. We have the following comments regarding this project.

**GENERAL COMMENTS:**

APCD staff would like to commend the project proponents for this project's promotion of mixed used development. When people can walk to nearby stores, parks and work, traffic is reduced and the potential for mass transit use increases. This is consistent with several of the District's land use goals and policies in the Clean Air Plan.

As a commenting agency in the California Environmental Quality Act (CEQA) review process for a project, the APCD assesses air pollution impacts from both the construction and operational phases of a project, with separate significant thresholds for each. **Please address the action items contained in this letter that are highlighted by bold and underlined text.**

**SPECIFIC COMMENTS**

District staff does not agree with responses provided on the Environmental Description Form, Page 10, 11 and 12. We have the following comments regarding the responses prepared by the applicant.

Question #4 - (section entitled Commercial/Industrial Project Information, page 10) *"Will this project produce any emissions?"* the response was no. There will be both emissions from the commercial building and from the vehicle that will access the home and businesses in this development. Please refer to the Operation Phase Emissions section for further information on the emissions that will result from this project. Mitigation measures as outlined below will be required to reduce these emissions to a level of insignificance.

Question #10 - (section entitled Commercial/Industrial Project Information, page 11) *"Are you proposing any special measures (carpooling, public transit, telecommuting) to reduce automobile trips by employees?"* The response was no. Based on the emission calculations for the project, mitigation measures as outlined below will be required to reduce these emissions to level of insignificance.

Question #1 - (section entitled Other Related Permits, page 12) *"List all permits, licenses or government approval that will be required for your project"*. The applicant indicated that no other permits, licenses or government approval will be required for the project. Depending on the type of work and equipment used during construction, other permits and approval may be required by the District. Permits may also be required for some businesses that occupy the retail portion of the project. Please refer to both the Construction Phase Emissions and Operation Phase Emission sections below for further information on permit and approval requirements.

6-80

#### **I. Construction Phase Emissions**

The air quality impacts from the construction phase of the project will most likely exceed the District's CEQA significance threshold for grading. **The project shall be conditioned to comply with all applicable Air Pollution Control District regulations pertaining to the control of fugitive dust (PM10) as contained in section 6.5 of the Air Quality Handbook. All site grading and demolition plans noted shall list the following regulations:**

- Reduce the amount of the disturbed area where possible;
- Water trucks or sprinkler systems should be used in sufficient quantities to prevent airborne dust from leaving the site. Watering frequency should be increased whenever wind speeds exceed 15 mph. Reclaimed (nonpotable) water should be used whenever possible;
- All dirt stock-pile areas should be sprayed daily as needed;
- Permanent dust control measures identified in the approved project revegetation and landscape plans should be implemented as soon as possible following completion of any soil disturbing activities;
- Exposed ground areas that are planned to be reworked at dates greater than one month after initial grading should be sown with a fast-germinating native grass seed and watered until vegetation is established;
- All disturbed soil areas not subject to revegetation should be stabilized using approved chemical soil binders, jute netting, or other methods approved in advance by the APCD;
- All roadways, driveways, sidewalks, etc. to be paved should be completed as soon as possible. In addition, building pads should be laid as soon as possible after grading unless seeding or soil binders are used;
- Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site;
- All trucks hauling dirt, sand, soil, or other loose materials are to be covered or should maintain at least two feet of freeboard (minimum vertical distance between top of load and top of trailer) in accordance with CVC Section 23114;
- Install wheel washers where vehicles enter and exit unpaved roads onto streets, or wash off trucks and equipment leaving the site; and
- Sweep streets at the end of each day if visible soil material is carried onto adjacent paved roads. Water sweepers with reclaimed water should be used where feasible.

All PM10 mitigation measures must be included on grading and building plans. In addition, the contractor or builder should designate a person or persons to monitor the dust control program and to order increased watering, as necessary, to prevent transport of dust off site. Their duties shall include holidays and weekend periods when work may not be in progress. **The name and telephone number of such persons shall be provided to the APCD prior to land use clearance for map recordation and finished grading of the area.**

This project will involve the use of numerous pieces of heavy-duty diesel equipment. As you may be aware, in July of 1999 the California Air Resources Board (ARB) listed diesel exhaust particulate matter, as a toxic air contaminant (TAC) with no identified threshold level below which there are no significant effects. To mitigate the diesel PM generated during the construction phase, District staff recommends the following equipment emission mitigation measures be implemented:

- All construction equipment be properly maintained and tuned according to manufacturer's specifications;
- All off-road and portable diesel powered equipment, including but not limited to bulldozers, graders, cranes, loaders, scrapers, backhoes, generator sets, compressors, auxiliary power units, shall be fueled exclusively with ARB motor vehicle diesel fuel; and
- Maximize to the extent feasible, the use of diesel construction equipment meeting the ARB's 1996 certification standard for off-road heavy-duty diesel engines.

#### **Demolition Activities**

Demolition activities can have potential negative air quality impacts, including issues surrounding proper handling, demolition, and disposal of asbestos containing material (ACM). Asbestos containing materials could be encountered during demolition, relocation, or remodeling of existing buildings. Asbestos can also be found in utility pipes/pipelines (transite pipes or insulation on pipes). **If utility pipelines are scheduled for removal or relocation; or building(s) are removed or renovated this project may be subject to various regulatory jurisdictions, including the requirements stipulated in the National Emission Standard for Hazardous Air Pollutants**



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**(40CFR61, Subpart M - asbestos NESHAP).** These requirements include but are not limited to:

1) notification requirements to the District, 2) asbestos survey conducted by a Certified Asbestos Inspector, and, 3) applicable removal and disposal requirements of identified ACM. Please contact Tim Fuhs of the APCD Enforcement Division at 781-5912 for further information.

#### Naturally Occurring Asbestos

The project site is located in a candidate area for Naturally Occurring Asbestos (NOA), which has been identified as a toxic air contaminant by the California Air Resources Board (ARB). Under the ARB Air Toxics Control Measure (ATCM) for Construction, Grading, Quarrying, and Surface Mining Operations, **prior to any grading activities at the site, the project proponent shall ensure that a geologic evaluation is conducted to determine if NOA is present within the area that will be disturbed. If NOA is not present, an exemption request must be filed with the District (see Attachment 1). If NOA is found at the site the applicant must comply with all requirements outlined in the Asbestos ATCM.** This may include development of an Asbestos Dust Mitigation Plan and an Asbestos Health and Safety Program for approval by the District. Please refer to the District web page at <http://www.slocleanair.org/business/asbestos.asp> for more information or contact Karen Brooks of our Enforcement Division at 781-5912.

#### Developmental Burning

Effective February 25, 2000, **the District prohibited developmental burning of vegetative material within San Luis Obispo County.** Under certain circumstances where no technically feasible alternatives are available, limited developmental burning under restrictions may be allowed. This requires prior application, payment of fee based on the size of the project, District approval, and issuance of a burn permit by the District and the local fire department authority. The applicant is required to furnish the District with the study of technical feasibility (which includes costs and other constraints) at the time of application. If you have any questions regarding these requirements, contact Karen Brooks of our Enforcement Division at 781-5912.

#### Portable Equipment Permit or Registration Requirements

**Portable equipment used during construction activities may require California statewide portable equipment registration (issued by the California Air Resources Board) or a District permit.** The following list is provided as a guide to equipment and operations that may have permitting requirements, but should not be viewed as exclusive.

- Portable generators
- IC Engines
- Concrete batch plants
- Rock and pavement crushing
- Tub grinders
- Trommel screens

To minimize potential delays, prior to the start of the project, please contact David Dixon of the District's Engineering Division at (805) 781-5912 for specific information regarding permitting requirements.

#### **II. Operational Phase Emissions**

District staff conducted a screening level air quality impact assessment for the operational emissions from this project based on the information provided in the project referral. The screening data indicated the project will exceed the District's CEQA Tier II significance threshold (25 lb/day). With a project of this type and size it is difficult to provide adequate onsite mitigation measures to reduce emissions below the District's 25 lb./day significance threshold. However, **with the inclusion of the all of the following standard and discretionary mitigation measures; from the list below we would consider the project mitigated to below the level of significance. This project needs to implement all applicable Standard Mitigation Measures and all Discretionary Mitigation Measures listed below.**

6.82

### **Mitigation measures for the Residential Component of the Project**

#### **Standard Mitigation Measures (implement all applicable)**

- Link cul-de-sacs and dead-end streets to encourage pedestrian and bicycle travel.
- Include traffic calming modifications to project roads, such as narrower streets, speed platforms, bulb-outs and intersection modifications designed to reduce vehicle speeds, thus encouraging pedestrian and bicycle travel.
- Provide easements or land dedications for bikeways and pedestrian walkways.
- Provide continuous sidewalks separated from the roadway by landscaping and on-street parking. Adequate lighting for sidewalks must be provided, along with crosswalks at intersections.
- Increase the building energy efficiency rating by 10% above what is required by Title 24 requirements. This can be accomplished in a number of ways (increasing attic, wall or floor insulation, etc.).

#### **Discretionary Mitigation Measures (implement all applicable)**

- If the project is located on an established transit route, improve public transit accessibility by providing transit turnouts with direct pedestrian access to project.
- Increased street tree planting.
- Outdoor electrical outlets to encourage the use of electric appliances and tools.
- Secure on-site bicycle parking for multi-family residential developments.
- Increase number of bicycle routes/lanes.
- Build new homes with internal wiring/cabling that allows telecommuting, teleconferencing, and telelearning to occur simultaneously in at least three locations in each home.
- Provide pedestrian signalization and signage to improve pedestrian safety.
- Shade tree planting along southern exposures of buildings to reduce summer cooling needs.
- Use roof material with a solar reflectance value meeting the EPA/DOE Energy Star® rating to reduce summer cooling needs.
- Use high efficiency, gas or solar water heaters.
- Use built-in energy efficient appliances.
- Use double-paned windows.
- Use low energy street lights (i.e. sodium).
- Use energy efficient interior lighting.
- Use low energy traffic signals (i.e. light emitting diode).
- Install door sweeps and weather stripping if more efficient doors and windows are not available.
- Install high efficiency or gas space heating.

### **Mitigation measures for the Commercial Component of the Project**

#### **Standard Mitigation Measures (implement all applicable)**

- Provide on-site bicycle parking. One bicycle parking space for every ten car parking spaces is considered appropriate.
- Provide on-site eating, refrigeration and food vending facilities to reduce lunchtime trips.
- Provide preferential carpool and vanpool parking.
- Provide shower and locker facilities to encourage employees to bike and/or walk to work, typically one shower and three lockers for every 25 employees.
- Increase building energy efficiency rating by 10% above what is required by Title 24 requirements. This can be accomplished in a number of ways (increasing attic, wall or floor insulation, etc.).

#### **Discretionary Mitigation Measures (implement all applicable)**

- Increased street tree planting.
- Plant shade trees in parking lots to reduce evaporative emissions from parked vehicles.
- Install an electrical vehicle charging station with both conductive and inductive charging capabilities.
- Increase number of bicycle routes/lanes.
- If the project is located on an established transit route, improve public transit accessibility by providing transit turnouts with direct pedestrian access to project or improve transit stop amenities.

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- Implement on-site circulation design elements in parking lots to reduce vehicle queuing and improve the pedestrian environment.
- Provide pedestrian signalization and signage to improve pedestrian safety.
- Employ or appoint an Employee Transportation Coordinator.
- Implement a Transportation Choices Program. The applicant should work with the Transportation Choices Coalition partners for free consulting services on how to start and maintain a program. Contact SLO Regional Rideshare at 541-2277.
- Provide incentives to employees to carpool/vanpool, take public transportation, telecommute, walk, bike, etc.
- Implement compressed work schedules.
- Implement telecommuting program.
- Implement a lunchtime shuttle to reduce single occupant vehicle trips.
- Participate in an employee "flash-pass" program, which provides free travel on transit buses.
- Include teleconferencing capabilities, such as web cams or satellite linkage, which will allow employees to attend meetings remotely without requiring them to travel out of the area.
- Plant shade trees along southern exposures of buildings to reduce summer cooling needs.
- Use roof material with a solar reflectance value meeting the EPA/DOE Energy Star® rating to reduce summer cooling needs.
- Use built-in energy efficient appliances, where applicable.
- Use double-paned windows.
- Use low energy parking lot and street lights (i.e. sodium).
- Use energy efficient interior lighting.
- Use low energy traffic signals (i.e. light emitting diode).
- Install door sweeps and weather stripping if more efficient doors and windows are not available.
- Install high efficiency or gas space heating.

In addition to the mitigation measures listed above the following District Rules and Permit requirements also apply to this project.

#### **1. Wood Burning Devices**

In addition to the mitigation measures the following rule will apply if wood burning devices are included as part of the project. **Under District Rule 504, only District approved wood burning devices can be installed in new dwelling units.** District approved devices include:

- All EPA-Certified Phase II wood burning devices;
- Catalytic wood burning devices which emit less than or equal to 4.1 grams per hour of particulate matter which are not EPA-Certified but have been verified by a nationally-recognized testing lab;
- Non-catalytic wood burning devices which emit less than or equal to 7.5 grams per hour of particulate matter which are not EPA-Certified but have been verified by a nationally-recognized testing lab;
- Pellet-fueled woodheaters; and
- Dedicated gas-fired fireplaces.

If you have any questions about approved wood burning devices, please contact Tim Fuhs of our Enforcement Division at 781-5912.

#### **2. Mixed Use Compatibility and Permit Considerations**

As the project moves forward it is important to keep in mind that some uses may not be compatible and could result in nuisance problems (i.e. complaints from odors and/or dust). Therefore, it is essential that individual uses be carefully evaluated prior to issuance of a use permit. **The following uses could be problematic and should be restricted when residential quarters are included in the same building.**

- Nail Salons
- Dry-cleaners

6.84

- Coffee Roasters
- Furniture refurbishing/refinishing
- Any type of Spray Paint Operation

In addition, it is possible when considering the range of allowable uses within the mixed-use designations that District permit approval may be required. While compatibility with neighboring residents is a concern, if the following or similar business types are approved an APCD permit may be necessary. **Potential uses that could be subject to District permit approval include, but are not limited to the following:**

- Electrical generation plants or the use of standby generator
- Food and beverage preparation (primarily coffee roasters)
- Furniture and fixture products
- Dry cleaning
- Metal industries, fabrication

To minimize potential delays, prior to the start of the project, **please contact David Dixon of the District's Engineering Division at (805) 781-5912 for specific information regarding permitting requirements.**

Again, thank you for the opportunity to comment on this proposal. If you have any questions or comments please contact me at 781-4667.

cc: David Dixon, SLOAPCD Engineering Division  
Karen Brooks, SLOAPCD Enforcement Division  
Tim Fuhs, SLOAPCD Enforcement Division

MAG/sll

Enclosure: Attachment 1

h:\ois\plan\response\2944.doc

**Naturally Curring Asbestos – Construction Grading  
Project – Exemption Request Form**

Send To:

San Luis Obispo County Air  
Pollution Control District  
3433 Roberto Court  
San Luis Obispo, CA 93401

6-85



Fax: (805) 781-1002

Applicant Information/ Property Owner		Project Name	
Address		Project Address and /or Assessors Parcel Number	
City, State, Zip		City, State, Zip	
Phone Number	Date Submitted	Agent	Phone Number

The District may provide an exemption from Section 93105 of the California Code of Regulations - Asbestos Airborne Toxic Control Measure For Construction, Grading, Quarrying, And Surface Mining Operations for any property that has any portion of the area to be disturbed located in a geographic ultramafic rock unit; if a registered geologist has conducted a geologic evaluation of the property and determined that no serpentine or ultramafic rock is likely to be found in the area to be disturbed. Before an exemption can be granted, the owner/operator must provide a copy of a report detailing the geologic evaluation to the District for consideration. The District will approve or deny the exemption within 90 days. An outline of the required geological evaluation is provided in the District handout “**ASBESTOS AIRBORNE TOXIC CONTROL MEASURES FOR CONSTRUCTION, GRADING, QUARRYING, AND SURFACE MINING OPERATIONS – Geological Evaluation Requirements**”.

<b>APPLICANT MUST SIGN BELOW:</b>	
I request the San Luis Obispo Air Pollution Control District grant this project exemption from the requirements of the ATCM based on the attached geological evaluation.	
Legal Declaration/Authorized Signature:	
Date:	

<b>OFFICE USE ONLY - APCD Required Element – Geological Evaluation</b>			
APCD Staff:		Intake Date:	OIS Tracking Number:
Approved	Not Approved	APCD Staff:	Date Reviewed:
Comments:			



BY



CDF/San Luis Obispo County  
Fire Department

635 N. Santa Rosa • San Luis Obispo • California, 93405

6-86

November 17, 2004

County of San Luis Obispo  
Department of Planning/Building  
County Government Center  
San Luis Obispo, CA 93408

Dear South County Team,

## COMMERCIAL MINOR USE PLAN

**Name: Shapiro      Project Number: DRC 2004-00084**

The Department has reviewed the commercial minor use plans submitted for the proposed commercial complex project located on Frontage Rd., Nipomo. The property is located within the moderate fire hazard severity area, and will require a minimum 5-6 minute response time from the nearest County Fire Station.

**The owner of the project shall meet the minimum fire and life safety requirements of the California Fire Code (1998 edition) with amendments. This fire safety plan shall remain on the project site until final inspection. The following standards are required:**

### FIRE SAFETY DURING CONSTRUCTION

- Commercial and industrial type projects shall have installed, prior to the start of construction, commercial water system and fire lanes.

### FIRE EXTINGUISHING SYSTEM

- The proposed project is required to install a commercial fire/life safety sprinkler system in all structures.
- The automatic fire extinguishing system shall comply with National Fire Protection Association Pamphlet 13.
- Plans shall be submitted for review and approval to the County Building Departments.
- The Contractor shall be licensed by the State of California [CFC 1003.1.1 amended/Title 19, Section 19.20.029 (a)].
- The fire sprinkler system shall be monitored by a licensed alarm company.

### FIRE PROTECTION ENGINEER REQUIREMENT

We require that a Fire Protection Engineer review the Fire Protection Systems for this project (UFC 103.1.1). If you would like a list of Fire Protection Engineers, it is available on our website at [www.cdfslo.org](http://www.cdfslo.org). The Fire Protection Engineer will require that you provide working plans as outlined in NFPA 13, 6-1 (1996). The Fire Protection Engineer will be required to send the County Fire Department an original letter of the project review they conducted complete with the changes needed.

### PORTABLE FIRE EXTINGUISHER(S)

- Portable fire extinguishers shall be installed and comply with the Uniform Fire Code (2000) Section 1002.1, Standard 10-1.
- The contractor shall be licensed by the State Fire Marshal.
- The minimum requirements will be determined during the building permit/fire safety plan process.

### ROOF ACCESS

- The project shall provide vertical access to the roof from two points.
- Access can be provided by the use of landscaping or a fixed laddering system.
- Plans shall be submitted for approval to the County Fire Department.
- Presently the County Fire Department can provide a maximum 16-feet of vertical reach.

CONSERVATION IS WISE-KEEP CALIFORNIA GREEN AND GOLDEN

PLEASE REMEMBER TO CONSERVE ENERGY. FOR TIPS AND INFORMATION, VISIT "FLEX YOUR POWER" AT [WWW.CA.GOV](http://WWW.CA.GOV).

## COMMERCIAL WATER SYSTEM

6-87

- Emergency water supplies shall meet the minimum fire flow requirements as identified in the Uniform Fire Code, Section 903.1, 903.2, 903.3 and 903.4 as amended and Appendix III-A.
- The proposed project shall provide a minimum 1,500 gallons of water per minute for 120 minutes.
- The minimum water main size shall not be less than six (6) inches.
- Pressures may not be less than 20 psi, nor more than 150 psi (Appendix IIIA).

## WATER SUPPLY CONNECTION

- Several fire hydrants shall be required.
- Fire hydrants are to be located with a maximum normal spacing of 300 feet as measured along vehicular travel ways.
- The County Fire Department will assist in hydrant placement and approve distribution system when plans are submitted.
- Fire hydrants shall have two, 2½-inch outlets with National Standard Fire thread, and one 4 inch suction outlet with National Standard Fire thread.
- The Chief shall approve other uses not identified.
- Signing: Each hydrant shall be identified by blue reflective dot.
  - (a) On a non-skid surface, center of roadway, to the fire hydrant side.

## ACCESS

- Access road width shall be 18 feet.
- The project shall provide a minimum 20-foot fire lanes for emergency vehicle access.
- All road and driveway surfaces shall be all weather.
- All surfaces shall be constructed to meet a load capacity of 20 tons.

## ADDRESSING

- Legible address numbers shall be placed on all structures.
- Legible address numbers shall be located at the driveway entrance.

## FINAL INSPECTION

The project will require final inspection. **Please allow five (5) working days for final inspection.** When the safety requirements have been completed, **call Fire Prevention at (805) 543-4244, extension 2220**, to arrange for a final inspection. Currently South San Luis Obispo County inspections occur on Tuesdays and North County inspections occur on Thursdays.

Further information may be obtained from our website located at [www.cdfslo.org](http://www.cdfslo.org) ~ Planning and Engineering section. If we can provide additional information or assistance, please call (805) 543-4244.

Sincerely,

*Gilbert R. Portillo*  
Fire Inspector

C: Mr. Ed Shapiro, owner  
Mr. Bob Richmond, agent



SAN LUIS OBISPO COUNTY  
DEPARTMENT OF PLANNING AND BUILDING

BP

6-88

VICTOR HOLANDA, AICP  
DIRECTOR

THIS IS A NEW PROJECT REFERRAL

DATE:

10/15/2005

TO:

Parker

FROM:

SouthCo. Team

(Please direct response to the above)

SHAPIRO

DRC 2004-0084

Project Name and Number

APN

092-130-023

Development Review Section (Phone: 781-788-2009)

PROJECT DESCRIPTION:

DW Plan w/ CUP. Mixed-use PD w/ 11,995 sq. ft. in office space, 43,945 sq. ft. in retail space, & 4,500 sq. ft. in restaurant space and approx. 50 res. units @ 1200 sq. ft. each. Nipomo. S. Frontage Rd

Return this letter with your comments attached no later than:

10/30/04

PART I

IS THE ATTACHED INFORMATION ADEQUATE FOR YOU TO DO YOUR REVIEW?

☒ YES  
☐ NO

(Please go on to Part II)

(Call me ASAP to discuss what else you need. We have only 30 days in which we must accept the project as complete or request additional information.)

PART II

ARE THERE SIGNIFICANT CONCERNS, PROBLEMS OR IMPACTS IN YOUR AREA OF REVIEW?

☒ NO  
☐ YES

(Please go on to Part III)

(Please describe impacts, along with recommended mitigation measures to reduce the impacts to less-than-significant levels, and attach to this letter.)

PART III

INDICATE YOUR RECOMMENDATION FOR FINAL ACTION. Please attach any conditions of approval you recommend to be incorporated into the project's approval, or state reasons for recommending denial. IF YOU HAVE "NO COMMENT," PLEASE INDICATE OR CALL.

Pay applicable Building Division fees for residential units.

11/30/04  
Date

JAN Di Leo  
Name

14085  
Phone





BP  
SAN LUIS OBISPO COUNTY  
DEPARTMENT OF PLANNING AND BUILDING

6-89

VICTOR HOLANDA, AICP  
DIRECTOR

THIS IS A NEW PROJECT REFERRAL

OCT 18 2004

DATE:

10/15/2005

FROM

PW

SHAPIRO

FROM  
LO

SouthCo. Team

(Please direct response to the above)

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PART III

INDICATE YOUR RECOMMENDATION FOR FINAL ACTION. Please attach any conditions of approval you recommend to be incorporated into the project's approval, or state reasons for recommending denial. IF YOU HAVE "NO COMMENT," PLEASE INDICATE OR CALL.

RECOMMEND APPROVAL WITH A FEW CHANGES. STICK CONDITIONS ATTACHED. DRIVEWAYS ON S. FRONTAGE SHOULD BE MOVED TO ALIGN WITH THOSE ACROSS THE STREET. TWO DRIVEWAYS INTO PARKING GARAGE SHOULD BE COMBINED INTO ONE DRIVEWAY FRONTING HILL STREET. THE DRIVEWAYS FOR THE KING VENTURES PROJECT SHOULD BE SHOWN AND COORDINATED WITH THIS PROJECT TO AGAIN ALIGN THEM ACROSS THE STREET AND AVOID TURNING MOVEMENT PROBLEMS. THE ROAD/DRIVEWAY HEADING NORTHWESTERLY - WILL IT CONNECT TO LONGS/OTHER? LOOKS LIKE A

Date

9 Nov 04

Name

GOODWIN

Phone

5252

LOADING DOCK

IN THAT BAY

(SEE ATTACHED)